NAVAL ADMINISTRATION

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NAVAL ADMINISTRATION

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CONTENTS

Chapter 1. Naval Administration

Sec. 1. Organization, Administration, and Command 1
Sec. 2. The Naval Establishment 4

Chapter 2. The Navy Department

Sec. 1. General Organization 9
Sec. 2. Organization and Functions of Activities 10

Chapter 3. The Shore Establishments 26

Chapter 4. The Naval Forces of the United States 31

Chapter 5. The Organization of the Ship 35

Sec. 1. The Officers 35
Sec. 2. General Principles of Ship Organization 43
Sec. 3. Station Bills 46
Sec. 4. The Officer of the Deck under Way 47

Chapter 6. School of the Ship

Sec. 1. Terms and Phraseology 60
Sec. 2. Ship Handling Situations 64
Sec. 3. Station Keeping 69

Chapter 7. The Ship at Anchor

Sec. 1. The Officer of the Deck at Anchor 98
Sec. 2. The Deck Log 104

Chapter 8. Honors

Sec. 1. Personal Conduct 110
Sec. 2. Side Honors 112
Sec. 3. Passing Honors 116
Sec. 4. Personal Flags and the Colors 118
Sec. 5. Full Dressing Ship 123
Sec. 6. Gun Salutes 125
Sec. 7. Official Visits 129

Chapter 9. Disciplinary System

Sec. 1. Constitutional Provisions 132
Sec. 2. Introduction to Naval Law 139
Sec. 3. Articles for the Government of the Navy 141
Sec. 4. Charges and Specifications 144
Sec. 5. Rules of Evidence 151
Sec. 6. Jurisdiction, Arrest 182
Sec. 7. Procedure before Trial 183
Sec. 8. Instructions during Trial 188
Sec. 9. Instructions after Trial 206
Sec. 10. Summary Court-Martial 208
Sec. 11. Deck Court 218
Sec. 12. Courts of Inquiry and Investigation 220

Chapter 1

NAVAL ADMINISTRATION

SEC. 1. ORGANIZATION, ADMINISTRATION, AND COMMAND

Organization. The use of the word organization to describe the grouping of persons engaged in systematized and co-ordinated efforts directed to the attainment of a common objective or aim is derived by analogy from the organic structure of the human body. This structure consists of a group of organs, each of which has a special function, i.e., a characteristic duty, to perform, and all of which must act together if life is to be maintained.

In its application to a systematized and co-ordinated human effort, the word organization, has two basic meanings; one signifying the process of dividing a group into subordinate groups performing specific but interrelated tasks for the attainment of a common objective or aim; the other, the resultant structure of grouping.

In the course of long usage, the meaning of the word has been extended beyond these strict meanings to include any systematized grouping of persons for the attainment of a common end. Thus, for example, it may include any systematic combination such as the combination of three regiments into a brigade, or two divisions of destroyers into a squadron.

Objectives and aims. The purpose of organization is the attainment of an aim or an objective. Aim is the more general of the two words and pertains to such an end as the insurance of life, liberty, and the pursuit of happiness, or, the establishment of good relations between the Navy and the public. Objective is the more specific term and pertains to such a specific end as the capture of the Japanese airfield on Guadalcanal, or the convoy of troops to Africa.

Task and function. The attainment of an objective or an aim is the task of the organization undertaking to accomplish it. If an organization is specially fitted by training and experience for undertaking a certain type of task, and is habitually so employed, its characteristic duty is known as its function. For example, a principal function of a destroyer force in battle is the making of torpedo attacks.

Direction. To institute and maintain any systematic organized effort, direction is necessary. It involves the statement of aims or ob-

jectives, a survey of the conditions to be encountered or already encountered in the endeavor to accomplish a task, the making of decisions, the assignment of tasks or functions, and the issuance of orders for their performance. It requires authority commensurate with the responsibility involved.

Administration. Direction in the business world is termed management. In the affairs of government it is called administration.

The word administration is derived from the Latin word meaning "to serve." Its application to governmental affairs comes from the fact that the ministers who served a king, executed or administered his laws. By extension of its original meaning it became descriptive of the functions of any persons charged with the execution of the law. By a further extension of meaning, it now signifies the direction or management of government activities in general.

Command. The word administration is not applied to the conduct by the Navy or the Army of strategical and tactical operations and of the logistic operations which implement these combat activities. The direction of such operations is said to be the function of command.

Difference between administration and command. The direction of a highly complex organization, such as the Navy, involves a great deal of administrative management of activities which contribute to the fulfillment of the mission of the naval service, but do not constitute part of the combat activites of the service. Certain of these activities such as the Bureau of Supplies and Accounts and the Bureau of Medicine and Surgery are highly specialized and require distinct corps of officer specialists for their direction. On the other hand, a great part of the administrative activities of the service are conducted by officers who are trained to exercise tactical command or as part of the duties of officers who are actually exercising such command.

Thus it can be seen that there is a broad conception of command which includes administrative direction such as the specialized direction of a naval hospital by the medical officer commanding it, or more general direction such as that exercised in an administrative unit of the fleet or the shore establishment.

Command in the strict sense, however, consists of the direction of the combat activities of the naval forces, of specific training for combat, and of operations which are directly related to these activities.

It is on the basis of this latter conception of the command function that the Navy and also the Army are provided with integrated echelons of command which insure that the combat operation shall be given

precedence over the administrative task or function, and which also insure the precise co-ordination which is essential to unity of effort in naval and military operations.

The organization of command on this basis in both the Navy and the Army provides for unbroken lines of military authority, succession to command, the exclusion of specialist officers from the exercise of military authority except within their own organizations, and the undivided authority, which coupled with commensurate responsibility, is essential to the prompt decision and positive execution necessary in the conduct of operations against an enemy.

Naval and military staffs. The word staff is used in the Navy in two ways. In the first, it is used to distinguish officers of the specialist corps—supply officers, medical officers, civil engineers, chaplains—from the officers of the line of the Navy. In the second, it is used to describe those groups of officers whose function it is to assist and advise an officer in military command in the planning and execution of tasks. An example of such a group is the Staff of the Commander in Chief, United States Fleet, and Chief of Naval Operations.

A staff, as used in the second sense, constitutes an essential part of the command organization in a naval or military service. It is a device by which the function of command can be subdivided into component functions such as planning, execution of operations, training, communications, intelligence, and logistics, without sacrifice of authority or responsibility by the officer in command. The officers of a staff, however, do not exercise command nor are they entitled to succession to command. In practice, they may issue orders or other directives, but these must be issued as by direction of the officer in command in accordance with an actual direction or, in the case of routine details or matters of lesser importance, in accordance with the policy of the superior in command.

There are certain exceptions to the foregoing rule. A chief of staff, whose duty is to co-ordinate the work of a staff, is in a logical position also to command. Thus, the Chief of Staff of the Army actually directs the military affairs of the Army. Similarly, the Vice Chief of Naval Operations, who is a member of the staff of the Commander in Chief, United States Fleet, and Chief of Naval Operations, actually directs the logistic agencies which support the forces afloat, with, however, the difference in this instance, that his direction is in accordance with the policy of his military superior. This is the only instance, however, in which the Navy departs from the usual practice of separating command and staff functions.

Directives. Direction in whatever form it may take is made known or expressed by directives, either written or verbal. A familiar form is the verbal command or order. But there are many kinds of direc-

tives expressing one or more phases of directive activity. A comprehensive directive, such as a Campaign or Operation Order, may include statement of objective, assignment of tasks, pertinent information derived from a survey of conditions to be encountered, instructions for the co-ordination of tasks, and the implementing orders. A directive for the purpose of administrative organization may state only general aims and assignment of functions. An example of a simple directive is a verbal command, or a decision on a question posed by a subordinate in the course of routine administration.

Directives may be formal or informal. Examples of formal directives are the Constitution of the United States, the Navy Regulations, the Bureau manuals which extend the Navy Regulations, formal legal decisions, war plans, campaign orders, and operations orders. Informal directives comprise verbal commands, orders, instructions, and routine decisions.

Directives may be administrative or command directives. The Navy Regulations are an example of the former; an Operation Order is an example of the latter.

SEC. 2. THE NAVAL ESTABLISHMENT

The President of the United States is the Commander in Chief of the entire naval establishment and administers this organization through the Secretary of the Navy, who is an officer in his cabinet.

The naval establishment comprises (1) a central directing and coordinating agency, the Navy Department; (2) the naval districts, naval bases, navy yards, and naval stations which constitute the shore establishments; and (3) the fighting forces, termed by the Navy Regulations, the naval forces.

THE SECRETARY OF THE NAVY

The Secretary of the Navy is charged with the general superintendence of the naval establishment. In practice, military authority, i.e., the authority to direct the operations of the fighting forces and to provide logistic support for these operations, is exercised by the officer holding the combined offices of Commander in Chief, United States Fleet and Chief of Naval Operations, while the administrative affairs of the naval establishment are directed by the Secretary of the Navy with the assistance of a civilian Under Secretary and two Civilian Assistant Secretaries.

THE COMMANDER IN CHIEF, UNITED STATES FLEET, AND CHIEF OF NAVAL OPERATIONS

An Executive Order of the President of the United States of March 12, 1942, provides that the duties of Commander in Chief, United States Fleet, and Chief of Naval Operations may be combined. In pursuance of this authority, General Order No. 170 issued by the Sec-

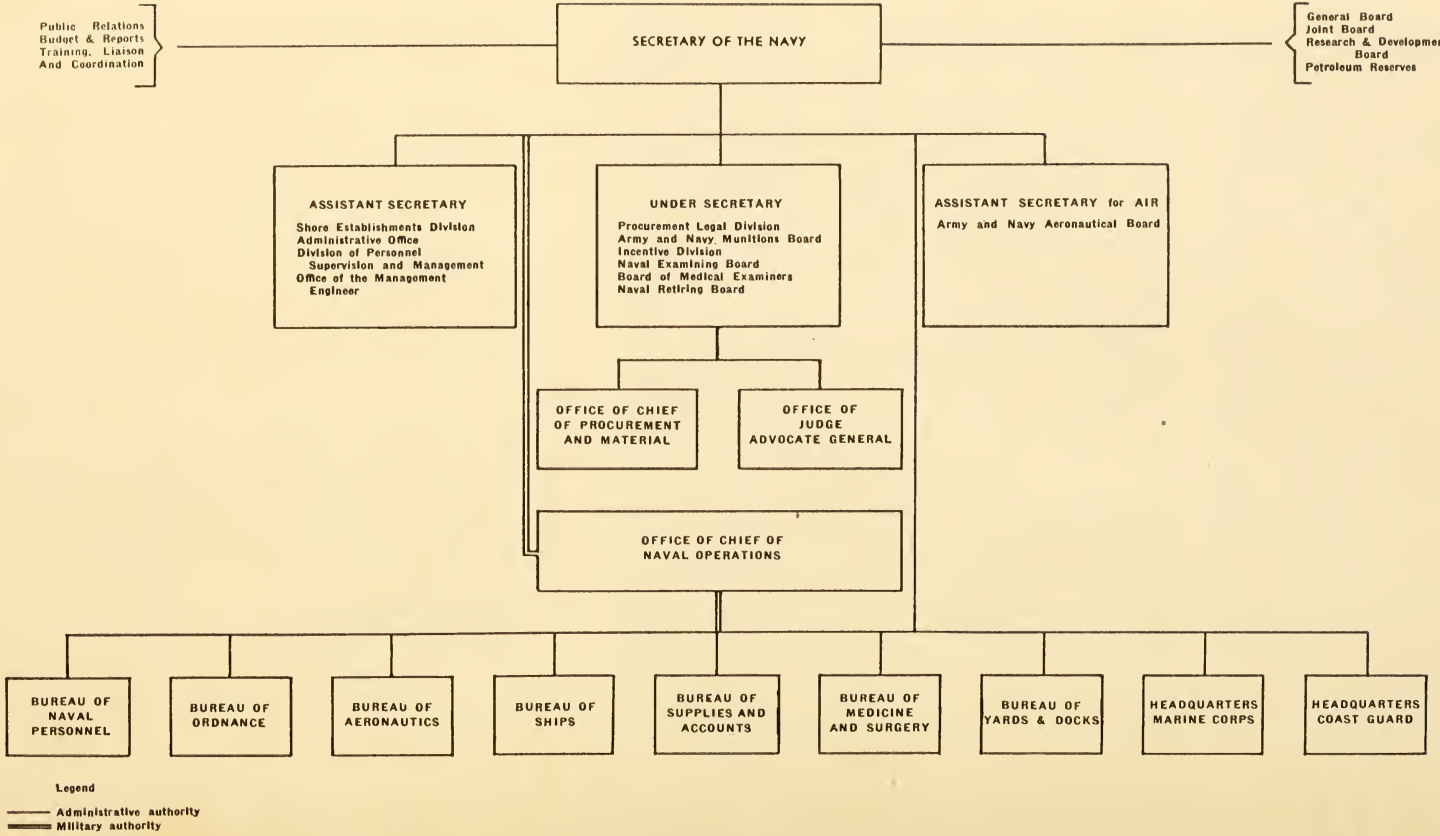
retary of the Navy stated that the duties had been combined and placed under one officer having the title "Commander in Chief, United States Fleet, and Chief of Naval Operations. This reorganization, viewed in its correct perspective, creates one office with two distinct but correlated sets of duties:

(*a*) The supreme command of the operating forces comprising the several fleets, seagoing forces, and sea frontier forces of the Navy.

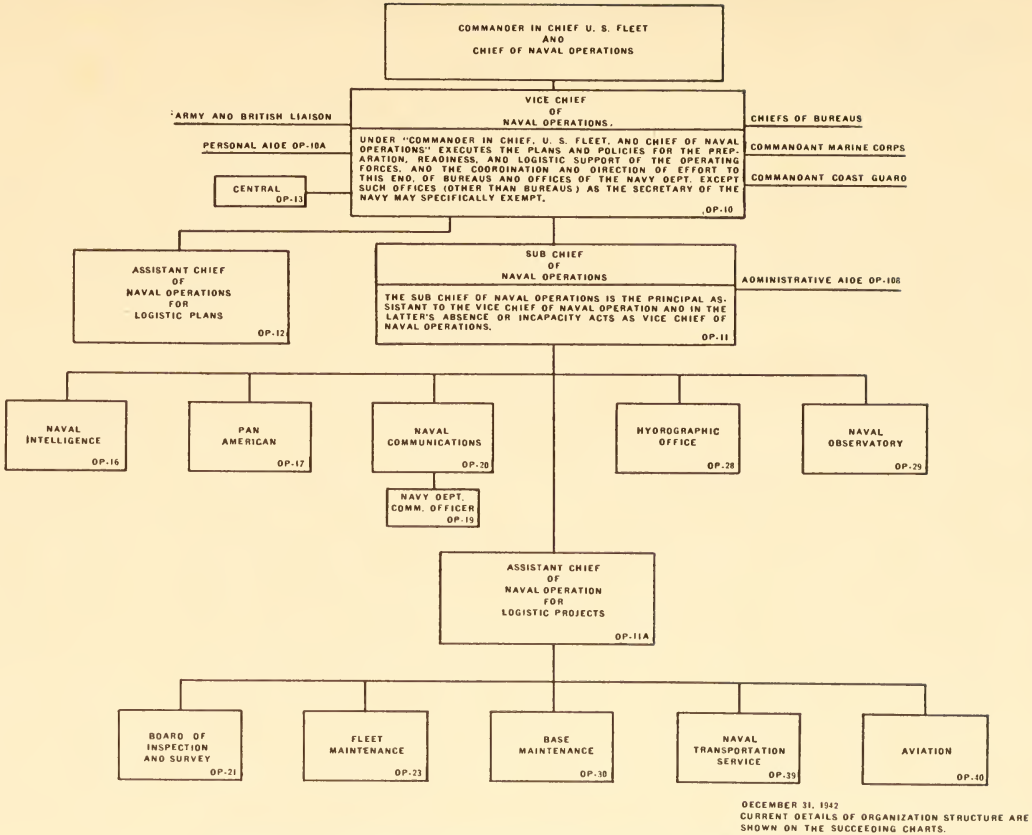
(*b*) The preparation, readiness, and logistic support of the operating forces.

The special circumstances of the current war have greatly increased and enhanced the importance of the duties performed by the Commander in Chief, U. S. Fleet, and Chief of Naval Operations. He has been designated as a member of the Combined Chiefs of Staff of the United States and Great Britain which is charged with the broad planning of joint strategic action by the two nations. He also serves as a member of the Joint Chiefs of Staff, consisting of himself, the Chief of Staff to the President, the Chief of Staff of the Army, and Chief of the Army Air Forces, which plans and issues the directives for joint action by the Army and Navy in carrying out operations in which such joint action is necessary.

The directives so issued by the Joint Chiefs of Staff state the specific tasks to be accomplished by the Navy. The Commander in Chief, U. S. Fleet, and Chief of Naval Operations is charged with the responsibility for the planning and execution of the operations required of the naval forces in the accomplishment of these tasks. He is assisted in this work by his Headquarters Staff and the Vice Chief of Naval Operations.

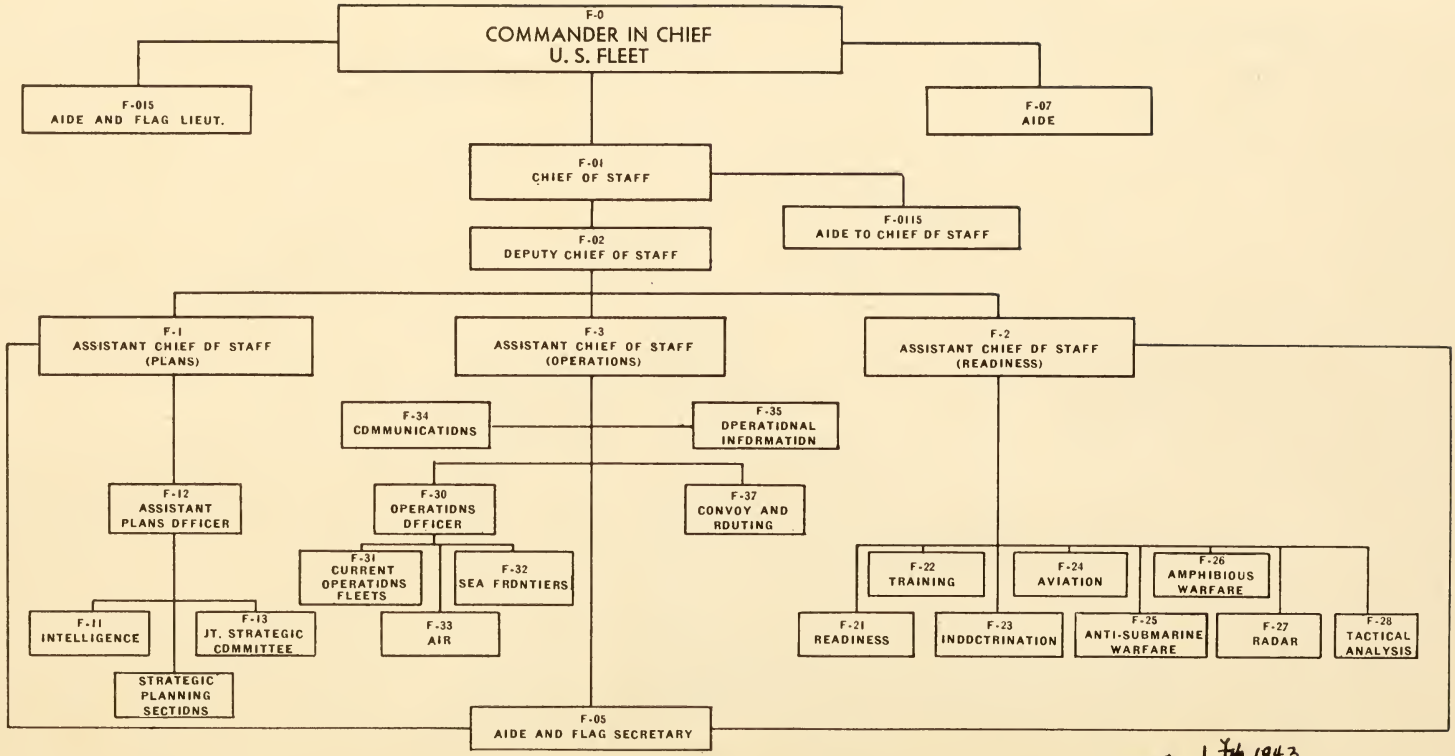


NAVY DEPARTMENT ORGANIZATION CHART



DECEMBER 31, 1942
CURRENT DETAILS OF ORGANIZATION STRUCTURE ARE SHOWN ON THE SUCCEEDING CHARTS.

ORGANIZATION OF OFFICE OF CHIEF OF NAVAL OPERATIONS



APPROVED 1 Feb. 1943
E. J. King
ADMIRAL, U. S. NAVY

ORGANIZATION, HEADQUARTERS OF THE COMMANDER IN CHIEF, U. S. FLEET

Chapter 2

THE NAVY DEPARTMENT

SEC. 1. GENERAL ORGANIZATION

THE ACTIVITIES OF THE NAVY DEPARTMENT SUBJECT TO THE MILITARY AUTHORITY OF THE COMMANDER IN CHIEF, UNITED STATES FLEET AND CHIEF OF NAVAL OPERATIONS

The activities of the Navy Department which are subject to the military authority of the Commander in Chief, United States Fleet, and Chief of Naval Operations are the Headquarters of the United States Fleet, the Office of the Vice Chief of Naval Operations, the Bureau of Ships, the Bureau of Ordnance, the Bureau of Yards and Docks, the Bureau of Naval Personnel, the Bureau of Medicine and Surgery, the Bureau of Supplies and Accounts, the Bureau of Aeronautics, the Headquarters, United States Marine Corps, and, in wartime, the Headquarters of the United States Coast Guard.

Strictly speaking the Staff of the Commander in Chief, United States Fleet, is not a part of the Department. In practice, however, it maintains its headquarters there, and is in a very close relationship with the other agencies of the Department.

The office of the Vice Chief of Naval Operations, the agency through which the Commander in Chief, United States Fleet, and Chief of Naval Operations exercises military authority in the Navy Department and in the Naval Shore Establishments, is, on the other hand, an integral part of the Navy Department.

These bureaus and two headquarters are, however, subject to the direct administrative authority of the Secretary of the Navy. For example, if the Bureau of Ships wishes to alter its internal organization, or desires increased appropriations, it must refer such matters to the Secretary of the Navy.

THE ADMINISTRATIVE OFFICES OF THE NAVY DEPARTMENT

The principal administrative offices of the Navy Department are those of the Secretary of the Navy, the Under Secretary of the Navy, the Assistant Secretary of the Navy, and the Assistant Secretary of the Navy for Air.

Reference to the Navy Department Organization Chart will show that none of these offices exercises any military authority. Only the office of the Secretary exercises administrative authority over the Bureaus, the Headquarters of the Marine Corps, and the Headquarters of the Coast Guard. Otherwise, these offices deal with the matters somewhat detached from the operation and maintenance of the forces afloat but necessary to the functioning of the Naval Establishment as a whole.

Thus, for example, the Office of the Under Secretary is concerned primarily with all legal matters of the Department and the procurement of materials, both duties involving much contact with other branches of the government and with civilian agencies.

The Office of the Assistant Secretary has as its special task the administration of the material activities of the Shore Establishments, and of all matters pertaining to the civilian employees of the Navy.

The Office of the Assistant Secretary for Air co-ordinates naval air activities with those of the Army and of other governmental agencies to prevent overlapping and duplication of effort in the development and employment of aircraft.

The Office of the Secretary of the Navy also conducts certain specialized activities such as public relations, the preparation and execution of the Navy Department's budget, and the control of naval petroleum reserves.

THE PRINCIPAL ADVISORY BOARDS OF THE NAVY DEPARTMENT

The Secretary of the Navy is assisted in the administration of the Navy by three advisory boards, the General Board which deals with matters of naval policy; the Joint Board, composed of officers of the War and Navy Departments, which handles matters requiring co-operation between the two services; and the Naval Research and Development Board, which advises the Secretary on matters of naval research and development.

SEC. 2. ORGANIZATION AND FUNCTIONS OF ACTIVITIES

THE STAFF OF THE COMMANDER IN CHIEF, UNITED STATES FLEET

The Staff of the Commander in Chief, United States Fleet, is located in the Headquarters of the Commander in Chief, United States Fleet, and Chief of Naval Operations in the Navy Department, and maintains a close liaison with the staff of Naval Operations.

The staff is composed of the Chief of Staff, with the rank of vice admiral, the Deputy Chiefs of Staff, three Assistant Chiefs of Staff, and the officers of a Readiness Division, a Plans Division, and an Operations Division. Some of the more important posts are held by naval aviators in line with the importance of naval aviation in the operations of the current war.

The Readiness Division is charged with staff work related to the readiness of the fleet to conduct war operations. This includes, in addition to the actual material readiness of the fleet, the direction of fleet training operations, and improvement in operating technique, such for example as improved methods of dealing with the submarine.

The Plans Division plans current war operations and the Operations Division is charged with the staff work necessary for their execution.

THE OFFICE OF THE NAVAL INSPECTOR GENERAL

This office is established in the Headquarters of the Commander in Chief, United States Fleet, and Chief of Naval Operations.

The Naval Inspector General makes such inspections and investigations as may be required by law or directed by the Commander in Chief, United States Fleet, and Chief of Naval Operations in matters affecting the efficiency and economy of the United States naval service. He is an officer of the line on the active list of the Navy, of the rank of rear admiral.

THE OFFICE OF THE VICE CHIEF OF NAVAL OPERATIONS

The office of the Vice Chief of Naval Operations does not direct operations, that is, activities of the naval forces, except those of the local forces under the command of the District Commandants. Its name is a carry-over from the pre-war period in which the office did direct the activities of the fleets.

The direction of naval operations is now the responsibility of the combined offices of Commander in Chief, U. S. Fleet, and Chief of Naval Operations.

The function of this office is to provide for the material readiness and logistic support of the forces afloat, and the furnishing of centralized services such as naval intelligence and communications to the entire naval service. In carrying out this function it acts as an executive agency of the Commander in Chief, United States Fleet, and Chief of Naval Operations in the direction and co-ordination of the activities of the bureaus of the Navy Department and those of the Shore Establishment.

The operational activities which it retains are those for which it is responsible as the immediate military superior of the District Commandants, the Coast Guard, and the Headquarters of the Marine Corps. Thus, for example, it directs the Inshore Patrol and Coast Guard harbor activities within the Districts. In practice, its control over the Marine Corps is only nominal and limited to matters concerning Marine Guards in the Navy Department and the Shore Establishments.

The officer charged with the responsibility for the direction of the activities of this office is the Vice Chief of Naval Operations. In his capacity as Vice Chief of Naval Operations, he holds the rank of vice admiral.

His principal assistants are the Sub Chief of Naval Operations, and two Assistant Chiefs of Naval Operations.

THE LOGISTIC DIVISIONS OF THE OFFICE OF VICE CHIEF OF NAVAL OPERATIONS

In accordance with Navy Department practice, the office of the Vice Chief of Naval Operations is organized into subordinate offices and divisions.

Five of these are logistic* agencies which are under the direction of an Assistant Chief of Naval Operations for Logistic Projects, who in turn is responsible to the Sub Chief of Naval Operations. These agencies are the Fleet Maintenance Division, the Base Maintenance Division, the Board of Inspection and Survey, the Naval Transportation Service, and the Aviation Division. The functions of these logistic agencies are as follows:

Fleet Maintenance Division. This division has been reorganized recently to include the activities of the former Naval Vessels Division. It keeps records of all naval vessels built or building, has cognizance of vessels under construction or acquired prior to their commissioning, directs the commissioning of vessels and designates their home yards. It prescribes the overhaul periods for vessels of the forces afloat. It co-ordinates the work of the Bureaus in providing for the material readiness of the vessels of the fleets by repair and alteration.

Base Maintenance Division. Developed from the old Naval Districts Division, this division has greatly expanded its activities during the present war. It is responsible for the development, maintenance, and defense of naval bases, for matters pertaining to naval district organization, and for the internal security, i.e, guarding against sabotage of the Naval Shore Establishments.

Its most important current activity is the development and maintenance of advance naval bases. These bases, which are under the direction of the forces afloat, and are spring boards for air attack as well as supply and repair bases, constitute a striking development of the present war.

Board of Inspection and Survey. This board is charged with the inspections and trials of newly constructed naval vessels, and at intervals specified by law, with the material inspections of all vessels of the Navy. It should not be confused with the Office of Inspector General.

Naval Transportation Service. In peace time this is an activity of limited scope for the direction of the transport of naval personnel and freight to the naval forces and to outlying bases. In war time it is an agency for the direction of logistic operations of considerable magnitude. Close liaison is maintained with the Headquarters Staff, with

* (Note. Logistics is that branch of military and naval science which deals with the material constitution and material readiness of the operating forces, with transport, and with material supply.)

the Army, with the Service Forces, and the Frontier Forces Afloat. It acquires non-military vessels, handles the fuel requirements of the forces afloat, plans and executes the transport of supplies. Acting through the District Commandants, it provides for part management and directs the assembly and routing of convoys.

Aviation Division. This division operates the Naval Air Transportation Service and handles other aviation matters with which the Vice Chief of Naval Operations is concerned.

A developing point of contact between this division and the Bureau of Aeronautics is the advanced base airfield and seaplane bases. The development and maintenance of these fields and seaplane bases comes within the province of advanced base development and maintenance which is directed by the Vice Chief of Naval Operations.

THE OFFICE OF THE ASSISTANT CHIEF OF NAVAL OPERATIONS FOR LOGISTIC PLANS

This office has replaced the old Plan Division which was charged with the duty of operational planning, a task which has now been taken over by the Headquarters Staff of the Commander in Chief, U. S. Fleet. The new activity is concerned only with logistic planning.

THE SERVICE DIVISIONS OF THE OFFICE OF THE VICE CHIEF OF NAVAL OPERATIONS

Logistic services have as their ultimate objective the readiness of the naval forces and their supporting bases. There is another class of military services which are required not only by these forces but by the Naval Establishment as a whole. Some of these, such as the supply of personnel and provisions for the health of the personnel, require large bureaus such as the Bureau of Naval Personnel and the Bureau of Medicine and Surgery. Others of lesser scope and requiring organizations of lesser extent logically included as part of the activities of the Vice Chief of Naval Operations as director of military services for the Naval Establishment.

The five divisions of this type which are under the authority of the Sub Chief of Naval Operations are Naval Intelligence, Naval Communication, Pan American, Hydrographic Office, and the Naval Observatory. Their functions are as follows:

Naval Intelligence. This division is responsible for the collection and classification of information of military value for the Naval Establishment. It disseminates such information to naval and military officers and other governmental officials as necessary.

One section of this activity specializes in foreign intelligence in

general such as that contained in naval, military, and official reports of the Foreign Service attaches; an interesting example of this is the collection of information by our consular agents in North Africa prior to the landing.

Another section specializes in combat intelligence, that is, information relating to enemy activities.

A third section specializes in domestic intelligence for the purpose of discovering and preventing subversive activities.

This division supervises the activities of all naval attaches and naval observers abroad and is the official channel of communications for all foreign naval attaches in the United States. It collaborates with the Pan American Division in the selection of naval missions and advisers to the various American Republics.

Naval Communications. This division furnishes the Naval Establishment with the communication facilities necessary for the efficient direction and co-ordination of naval activities.

It is responsible for the organization and administration of the radiotelegraph, radiotelephone, telegraph, telephone, and cable systems of communications within the naval service, and for the operational procedures used in these systems and in the visual systems of communications used by the operating forces. It also operates the naval postal system and prescribes the procedures and forms for handling guard mail within the operating activities.

The division is also an operating agency, its communications office providing a center for the communication channels which connect the Navy Department and Commander in Chief, United States Fleet, and Chief of Naval Operations with the forces afloat and the activities of the Shore Establishment.

Another and most important duty of the division is the provision of instructions covering the security of communications which are secret or confidential in nature. As a corollary to this duty, the division's registered publications section controls the issue of secret and confidential publications to the service.

The Pan American Division. It has been the policy of the United States Navy to furnish the other American Republics with naval missions and advisers when requested as a part of our Pan American policy. This division administers these missions and prescribes the policies which govern their activities.

The Hydrographic Office. This office, formerly a division of the old Bureau of Navigation, has now been grouped with the other service activities of the Vice Chief of Naval Operations.

It is responsible for the making of hydrographic surveys in foreign waters and on the high seas, research in oceanography, the collection of hydrographic and navigational material, the preparation and printing of charts including confidential, strategical, and tactical charts, the preparation and issue of navigational manuals, and of sailing directions and light lists for specific localities.

An activity of steadily increasing proportions is the collection of material on air navigation which is distributed in the form of naval air pilots, aviation charts, and special publications for the navigation of aircraft over-sea.

Except for material which is restricted to use by the Navy and the Army, the information, charts, and publications of the Hydrographic Office are available for distribution to the public.

The Naval Observatory. This division publishes data compiled from continuous and exhaustive astronomical observations, in the *American Ephemeris* and its supplements, the *Nautical Almanac* and the *Air Almanac* which are used by navigators and scientists.

Its observations enable it to set and broadcast the standard time for the country.

The Observatory also develops, supplies, and repairs designated navigational, aeronautical, and aerological instruments for the ships and aircraft of the Navy.

THE ADMINISTRATIVE DIVISION OF THE OFFICE OF THE VICE CHIEF OF NAVAL OPERATIONS

The Central Division. This division handles foreign relations and treaties insofar as the Navy is concerned with them. It maintains a liaison with the State Department. It administers places under naval occupation and assists the Secretary of the Navy in the supervision of insular possessions when placed under naval administration.

It has cognizance of organization, budget matters, the Navy Regulations, General Orders, Bureau Manuals, and naval legislation. Though final authority rests with the Secretary of the Navy in these matters, its function is to present the military point of view and to see that the forms of military organization and administration are followed.

THE BUREAUS OF THE NAVY DEPARTMENT—THE HEADQUARTERS OF THE MARINE CORPS—THE HEADQUARTERS OF THE COAST GUARD

These organizations, which are under the military authority of the Vice Chief of Operations are not officially grouped according to the functions they perform. However, three of the Bureaus—Ships, Ordnance, and Yards and Docks—are commonly referred to as the material

bureaus; three—Naval Personnel, Medicine and Surgery, and Supplies and Accounts—render specialized services to the Naval Establishment as a whole; three—the Bureau of Aeronautics, the Headquarters of the Marine Corps, and the Headquarters of the Coast Guard—are organized to provide for special activities within the service. It is convenient, therefore, to list them in accordance with such a classification of related functions.

Bureau Organization. Each of the seven Bureaus is headed by a Chief of Bureau and an Assistant Chief of Bureau. These officers hold the rank of rear admiral.

The Chief and the Assistant Chief of the Bureau of Naval Personnel have the titles, Chief and Assistant Chief of Naval Personnel.

In accordance with Navy Department practice, the Bureaus are organized in divisions and sections which perform special functions.

The Bureau of Ships. The Bureau of Ships is charged with and is responsible for the design, construction, and maintenance of the ships and small craft of the Navy. This responsibility includes the design, construction, installation, and maintenance of the main propelling machinery, auxiliary machinery, including that necessary for the distribution of electric power, and the exterior and interior communication systems; the design, development, and procurement of diving gear, paravanes, minesweeping gear, material and appliances for defense against chemical warfare, and for protection against fire.

It is also responsible for the design and manufacture of all radio and sound equipage used ashore and afloat, including aircraft radio sets and all appliances used by the Naval Communication Service.

It is furthermore responsible for the methods and equipment used in submarine rescue work.

In carrying out these duties, the Bureau utilizes its own facilities, those of the industrial activities of the Naval Shore Establishment, and those of civilian industrial organizations. Experimental laboratories, such as the Naval Research Laboratory, the David Taylor Model Basin, the Naval Engineering Experiment Station, and several others are maintained by the Bureau. The navy yards undertake construction and repairs and some manufacture. Civilian manufacturing companies supply machinery and equipage; civilian shipbuilding concerns undertake the construction of vessels.

The Bureau deals with navy yards through the industrial managers of the yards. It has its own field forces, the supervisors of shipbuilding and inspectors of naval machinery, who supervise construction in civilian establishments, and it maintains jointly with the Bureau of Ordnance and the Bureau of Aeronautics the offices of the inspectors of naval material.

The Bureau of Ordnance. The Bureau of Ordnance provides the operating forces of the Navy with:

(1) guns and mounts;
(2) armor, projectiles, and bombs;
(3) fire control and optical equipment;
(4) underwater ordnance, such as torpedoes, mines, depth charges, nets, and booms;
(5) small arms and ammunition.

The Bureau avails itself of civilian production facilities, but also has its own plants for the production of ordnance materials. Naval ordnance establishments include gun factories, ordnance plants, powder factories, proving grounds, ammunition depots, torpedo stations, mine depots, and magazines on shore.

The Bureau of Yards and Docks. The Bureau of Yards and Docks was until the present war an activity serving the fighting forces only in an indirect way by designing, constructing, and maintaining the public works and public utilities of the Shore Establishments.

In addition to executing these primary tasks, the Bureau is now rendering a very valuable direct service in the development of advance bases of the operating forces. It also has assisted in the formation of the Seabees or Construction Battalions, which do the work of construction in these outlying activities.

The Bureau of Naval Personnel. The Bureau of Naval Personnel procures, trains, and distributes the officers and enlisted personnel of the Navy and provides for their education and welfare. It is also charged with responsibility for the maintenance of discipline in the service.

A most important task incidental to these duties is the keeping of service records of enlisted personnel and reports on performance for every officer and enlisted man in the service.

It has four principal subordinate offices, each headed by a director. These are officer personnel, enlisted personnel, planning and control, and special activities. There are also two independent divisions, the Chaplains' Division, and the Women's Reserve (WAVES) Division.

Activities outside the Department which are directed by the Bureau are the Naval Academy, the Postgraduate School, the Naval War College, the Naval Home, training stations and special schools for enlisted men, naval units in universities and colleges, and special schools for the training of reserve officers.

The Bureau of Medicine and Surgery. The specific responsibility of the Bureau of Medicine and Surgery is the maintenance of the health of the Navy, the care of its sick and injured, and the professional

education and training of officers, nurses, and men of the Medical Department. The Bureau maintains health records of all officers and enlisted men of the Navy.

The Bureau of Medicine and Surgery provides for the physical examination of officers, nurses, and enlisted men with a view to the selection or retention of only those whose physical condition is such as to maintain or improve the military efficiency of the service.

The Bureau of Medicine and Surgery is charged with the management and control of all naval hospitals; naval dispensaries located at all naval stations; medical supply depots; issuing storehouses in all naval districts; naval mobile base hospitals; medical laboratories; the Naval Medical Center; and of all technical schools established for the education or training of members of the Medical Corps, Dental Corps, Nurse Corps, and Hospital Corps. The Medical Department covers not only the seaboard of the continental United States, but is represented in outlying territories and possessions, and aboard every naval vessel in active commission, including hospital ships.

The Bureau of Supplies and Accounts. The Bureau of Supplies and Accounts is charged with the procurement, purchase, receipts, custody, warehousing, issue, and shipment of supplies, fuel, and other materials.

It exercises administrative supervision over fuel plants, commissary activities, supply depots, and storehouses at navy yards and stations. It conducts sales for the disposal of condemned, salvaged, and scrap materials, and condemned vessels. It prepares and submits estimates of the funds required for freight, fuel, clothing, pay, allowances, subsistence, and transportation of Navy personnel.

It recommends the necessity for, and the location, type, size, and interior arrangements of, supply spaces afloat. It does the same for storehouses ashore. It has charge of the procurement and disbursement of funds for the payment of military and civilian pay rolls and for all articles and services procured for the Navy as well as the keeping of all money and property accounts.

The Bureau of Aeronautics. With regard to function, the Bureau of Aeronautics occupies a position between the six Bureaus which render a special service to the operating forces as a whole, and the relatively independent Headquarters of the Marine Corps and of the Coast Guard.

This Bureau provides the Navy and the Marine Corps with airplanes, and has the responsibility for maintaining them in service. It conducts the flight and ground training of all aviation personnel except for those in the fleets.

In practice it controls the distribution of aviation personnel, although the Bureau of Naval Personnel is responsible for procurement and the supply of aviation personnel and issues the orders for distribution.

The Bureau directs the operation of all aeronautic shore establishments of the Navy and Marine Corps with the exception of the military operations of aircraft from naval air stations.

The Headquarters, United States Marine Corps. The most recent statement of United States naval policy gives as one of the general policies of the Navy the maintenance of the Marine Corps in such strength as to provide the requisite Fleet Marine Force and detachments for other naval purposes.

The Fleet Marine Force, although based ashore, is an integral part of the United States Fleet under the direction of the Commander in Chief, United States Fleet. It is maintained as a mobile force in immediate readiness for use in operations undertaken for the seizure and defense of advanced bases. The force is composed of infantry, artillery, aviation, tank units, signal, engineering, and chemical troops.

Separate Marine detachments are provided as part of the crews of battleships, cruisers, and aircraft carriers, for guard duty in the Navy Department and in the shore establishments.

The Marine Corps is under the administrative command of the Commandant of the Marine Corps, who is responsible for the procurement, training, discipline, distribution of officers and enlisted personnel, and for the supervision of all administrative activities of the Marine Corps.

The Headquarters of the Marine Corps is organized as the office of the Commandant and the three staff departments.

In the office of the Commandant are the Assistant to the Commandant, who acts as chief of staff, and several directors of divisions with specialized functions such as Plans and Policies, Personnel and Aviation. The staff agencies are:

The Adjutant and Inspector who has supervision of legal matters, records, and inspections.

The Paymaster who has supervision of matters relating to pay and allowances of the Marine Corps.

The Quartermaster who has supervision of purchase of military supplies and the payment.

The Headquarters, United States Coast Guard. The United States Coast Guard operates in time of peace under the direction of the Secretary of the Treasury as a federal maritime police agency in the prevention, detection, and suppression of violations of the maritime laws, the saving and protection of life and property at sea and in the coastal

waters of the United States, and the promotion of safety and security for vessels using our waters for legitimate commerce and pleasure.

In time of war, the Coast Guard operates as part of the Navy. Its armed fleet of large cruising cutters forms part of the Sea Frontier Forces engaged in patrol and the protection of convoys along our coasts, and thus operates under the direction of the naval forces afloat. Its most important war-time activities, however, are conducted under the direction of the commandants of the Naval Districts, and are activities, which by reason of its peace-time duties, it is particularly well fitted to perform. For example, the Coast Guard "captain of the port" organization provides safeguards against the destruction or injury of vessels, harbors, ports, and water-front facilities from sabotage. It also supervises the movement of merchant vessels in the ports, and watches over vessels loading explosives and other dangerous cargoes. In addition, the Coast Guard port organization provides a specially trained fireboat service for the protection of piers in the large harbors of the United States.

The administrative affairs of the Coast Guard are directed by the Commandant of the Coast Guard, an officer of the rank of vice admiral, who maintains his office in the Coast Guard Headquarters in Washington, D.C.

The Headquarters is simply and efficiently organized on a functional basis. In addition to the offices of the Commandant and Assistant Commandant which constitute the over-all directing activities, it has six divisions—Personnel, Material, Operations, Inspection, Finance, and Legal.

The functions of the Division of Operations which directs the activities of the sixteen Coast Guard Districts are reduced somewhat because of the operation of the Coast Guard under naval directives, but it is instrumental in providing the methods of operation for which the specialized nature of Coast Guard activity calls.

SPECIAL ADMINISTRATIVE ACTIVITIES REPORTING DIRECTLY TO THE SECRETARY OF THE NAVY

The Office of Public Relations. This is the office through which the Navy contacts the general public using the press, the radio, magazines, and motion pictures as mediums for the dissemination of such information as is compatible with the requirements of military security, and to establish favorable relations with the people of the country. During the current war it is the official source of such news of the operations of the naval forces as it is deemed advisable to disclose without endangering the success of these operations. It is headed by a Director of Public Relations.

The Division of Training, Liaison, and Co-ordination. This division represents the Navy Department in co-operation with other gov-

ernmental agencies for civilian vocational training and nonmilitary education.

The Office of Budgets and Reports. The function of this office is the preparation and execution of the Navy Department's budget. The work of preparation involves the analysis of the estimates of the individual bureaus and offices, such revision as is necessary to secure a well balanced distribution of funds for the service as a whole, and the combination of the individual programs into a single comprehensive budget for presentation to Congress. When funds are appropriated by Congress, usually with some modification of the specific allotments requested, the office revises the budget accordingly and then supervises its execution.

The war has modified the budget system considerably. It is not possible to anticipate the detailed expenditures that war activities call for, and certain priorities in war expenditures must be established in accordance with the urgent needs of the war, the availability of critical materials, and the civilian capacity to produce. To meet these changes the Division of Reports follows the progress of the war and prepares a breakdown of funds into several forms for the War Production Board. Blanket expenditure at the discretion of responsible officials has replaced specific expenditure to a considerable extent.

The Naval Research and Development Board. This Board advises the Secretary of the Navy on matters of naval research and maintains contact with civilian research agencies. Its membership includes distinguished civilian scientists who are enrolled in the Naval Reserve and who are either members or have close contact with the civilian agencies.

The Office of Petroleum Reserves. This office administers the petroleum and oil-shale reserves of the Navy, and advises the Secretary with regard to the national petroleum resources so that the Navy's interests may be protected and its future oil supplies may be assured.

THE OFFICE OF THE UNDER SECRETARY OF THE NAVY AND THE PRINCIPAL SUBORDINATE OFFICES UNDER HIS DIRECTION

It was stated in a previous section that the Under Secretary is concerned primarily with legal activities of the Department, and the procurement of materials, the latter activity being closely related to the former by reason of the legal matters involved in the negotiation of contracts for material.

Two principal subordinate offices, the Office of the Judge Advocate

General and the Office of the Chief of Procurement and Material, assist him in the execution of these functions.

Boards and Divisions in the Office of the Under Secretary. The Boards are the Naval Examining Board, the Board of Medical Examiners, and the Naval Retiring Board. The Divisions are the Procurement Legal Division and the Incentive Division. The former division handles legal matters involving procurement of naval material, supplies, and facilities; the latter is charged with the task of devising methods for the stimulation of civilian production of war materials such as the award of the Army and Navy E for excellence in production.

The Office of the Judge Advocate General of the Navy. This office handles the legal problems of the Navy, those of military law arising within the service itself, and of civil law arising from the external relations of the naval establishment. It is directed by the Judge Advocate General of the Navy, an officer of the rank of rear admiral, who has the legal training which is requisite for the office.

The office renders formal opinions to the Secretary on the legality of any matters referred to it by him including proceedings in the civil courts by or against the government. It drafts all legislation proposed by the Navy Department, and examines reports, bills, and resolutions introduced in Congress and referred to the Department by the Committees on Naval Affairs. It also prepares for submission to the Attorney General of the United States such questions as the Secretary of the Navy may direct. It does not, however, participate in legal proceedings in civil courts, this being the function of the Attorney General.

The office is organized into divisions on a functional basis. The first division handles military law exclusively; courts-martial, courts of inquiry, boards of investigation, and all other boards whose proceedings are conducted in accordance with Naval Courts and Boards. The second division handles Admiralty and International Law, legislation, and miscellaneous legal questions. The third division handles contracts, taxes, and government property. The fourth division handles legal matters involving patents, trademarks, and copyrights to protect contributions by personnel of the Naval Establishment, and to investigate offers of assignments of such rights to the Navy.

The Office of Procurement and Material. This is a war-time agency created by direction of the President to co-ordinate all the material procurement agencies in the Navy Department to prevent

conflict and duplication within the Department in obtaining war materials. The office supervises programs for the procurement of ships and material of every character, and its orders are considered as emanating from the Secretary of the Navy. Its activities are directed by a Chief of the Office of Procurement and Material, an officer of the Navy who holds the rank of vice admiral while so serving.

The Resources Division of this office furnishes the naval membership of the executive committee of the Joint Army and Navy Munitions Board, a board which is charged with the co-ordination of plans of the War and Navy Departments for acquiring munitions and supplies for war purposes, and of which the Under Secretary of the Navy and the Under Secretary of War are members.

THE OFFICE OF THE ASSISTANT SECRETARY OF THE NAVY

General Function. The Assistant Secretary of the Navy exercises general administrative control of the material activities of all shore establishments of the Navy, and of all matters pertaining to civilian employees and labor liaison for the entire Naval Establishment. He is assisted in the performance of his duties by four principal subdivisions of his office.

The Shore Establishments Division. This division administers the shore establishments of the Navy. This means that it has cognizance of all matters relating to shore station development, management, and civilian employees for all shore activities of the Navy other than the Navy Department. It does not exercise any control over the military activities of the shore stations.

The Administrative Office of the Navy Department. This office exercises administrative control over the civilian force of the Navy Department. It is also responsible for office management and internal communications within the Department.

The Division of Personnel Supervision and Management. This division deals with specific matters relating to civilian personnel such as appointment, classification, and promotion.

The Office of the Management Engineer. This office acts in an advisory capacity on office management practices and standards.

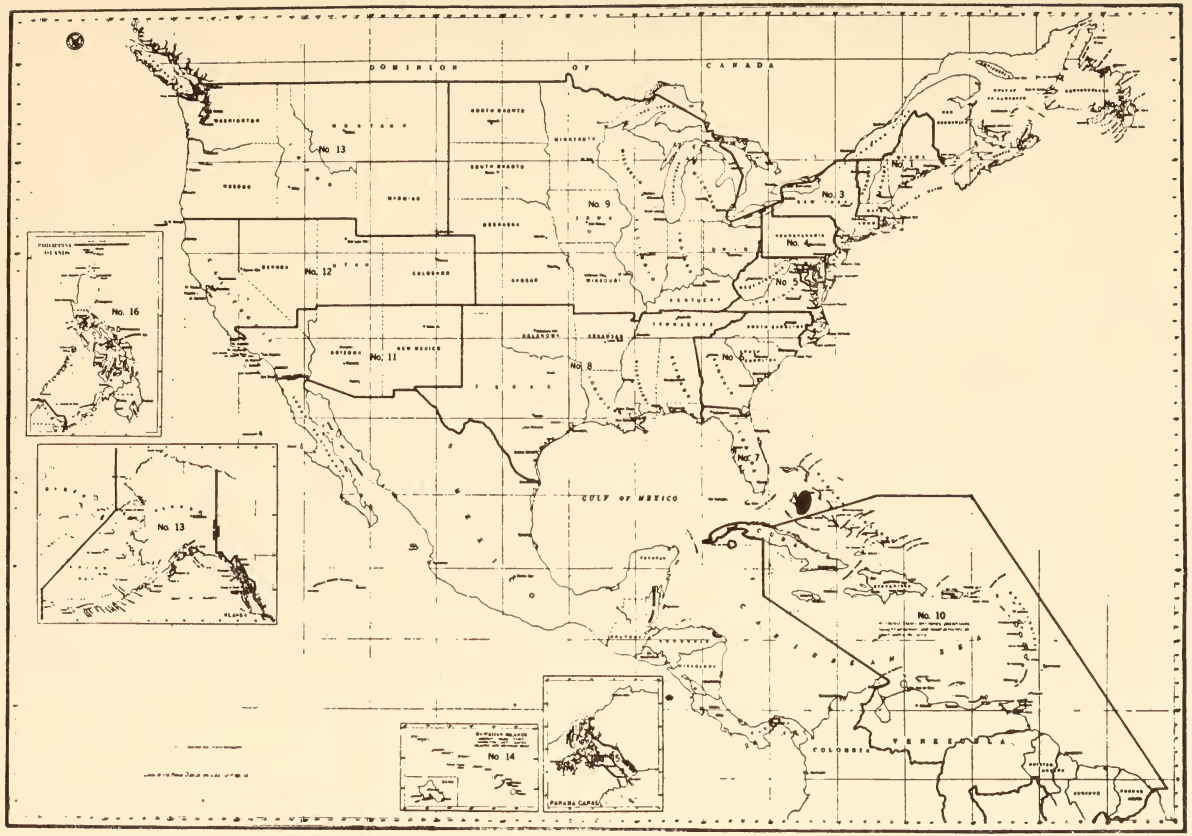
THE PRINCIPAL ADVISORY BOARDS OF THE NAVY DEPARTMENT

The General Board. This is an advisory board consisting of high ranking officers, not less than five of whom must be line officers, and

a majority, flag officers. It may include a general officer of the Marine Corps. The board has no executive or administrative duties.

The board advises the Secretary of the Navy on matters of naval policy; that is, on a settled or definite course of method and action to be pursued in the development, organization, maintenance, training, and operation of the Navy. It recommends to the Secretary the number and type of ships and aircraft necessary for the operating forces, and the number of supporting establishments that are required ashore.

The Joint Army and Navy Board. This board consists of high ranking officers of the Army and Navy. It reports to the Secretaries of War and Navy on matters involving co-operation, co-ordination, and policy in joint action by the two services. Since its membership is now nearly the same as that of the Joint Chiefs of Staff, a war-time directing agency, its duties are of less importance than hitherto.



THE NAVAL DISTRICTS

Chapter 3

THE SHORE ESTABLISHMENTS

The Shore Establishments include all naval shore activities except the Navy Department and certain specific activities such as fleet air bases, outlying bases, and advanced bases which are directed by the forces afloat.

THE NAVAL DISTRICTS

The United States, including its territories and island possessions, is divided into fifteen naval districts and two river commands, each under a commandant who is usually of the rank of rear admiral. These districts are listed as follows:

	District	*Headquarters*
First	New England, less Connecticut.	Boston
Third	New York, Connecticut, and Upper New Jersey.	New York
Fourth	Pennsylvania, lower New Jersey, and Delaware.	Philadelphia
Fifth	Maryland, Virginia, West Virginia, and north coastal region of North Carolina.	Naval Operating Base, Hampton Roads, Va.
Potomac River Naval Command	The Potomac River area, including the District of Columbia and certain bordering counties in Maryland and Virginia.	Navy Yard, Washington, D.C.
Severn River Naval Command	Anne Arundel County, Maryland.	United States Naval Academy, Annapolis, Md.
Sixth	North Carolina (except north coast), South Carolina, Georgia.	Charleston, S.C.
Seventh	Florida, except portion of northern Florida lying west of the Apachicola River.	Miami
Eighth	South Central States.	New Orleans
Ninth	North Central States.	Great Lakes, Ill.
Tenth	Caribbean possessions, territories, reservations, and United States naval activities in Venezuela, British Guiana, Surinam, and French Guiana.	San Juan, Porto Rico
Eleventh	Southern third of California, Arizona, and New Mexico.	San Diego
Twelfth	Northern two-thirds of California, Nevada, Utah, and Colorado.	San Francisco
Thirteenth	Washington, Oregon, Idaho, Montana, and Wyoming. Alaska including the Aleutians.	Seattle
Fourteenth	Hawaiian Islands—Midway Area.	Pearl Harbor
Fifteenth	Panama Canal Zone.	Balboa
Sixteenth	Philippine Islands.	Cavite

The reason for the division of the United States into Naval Districts. The Vice Chief of Naval Operations is charged with the responsibility for the exercise of military authority over the Shore

Establishment. This task includes such matters as defense of the harbors and inland waterways in co-operation with the Army, the internal security of shore stations and plants, the protection of harbor works and shipping against sabotage, and the maintenance of beach patrols. It also involves the direction of naval communication facilities on shore in various parts of the country and the domestic intelligence activities of the Navy. It also requires contact with the forces afloat so that the operations of these forces may be facilitated. It also involves such operations as the preparation and routing of convoys, and the regulation and control of harbor traffic as necessary in time of war.

Obviously these matters cannot be handled from Washington. It is necessary to decentralize the exercise of military authority by the creation of the naval districts, each with a commandant who is a direct subordinate of the Vice Chief of Naval Operations.

The principal duty of the Commandant of the Naval District. The principal duty of the commandant of a naval district is the exercise of military command in his district, under the general direction of the Vice Chief of Naval Operations. This principal duty may be subdivided into specific tasks as follows:

Defense. The district forces participate with the Army Defense Forces in the defense of harbors and inland waterways. In localities where defensive sea areas and maritime control areas have been established, defense by the district naval forces extends to the limits of these areas which as a rule are those of effective coast artillery fire. The district defense forces consist of an Inshore Patrol composed of small patrol vessels and small minesweepers, coast guard aircraft, and, in important harbors, the naval personnel of the Harbor Entrance Control Posts which are maintained jointly with the Army.

District defense also includes the protection of important harbors and waterways by anti-submarine nets, Navy minefields, and underwater detection devices.

Internal security and passive defense. The responsibility for the defense of naval bases and stations in the United States against external attack by enemy forces rests with the Army. The responsibility for the prevention of sabotage within the establishments and their protection against internal attack rests with the Navy.

Coast Guard harbor and waterfront control in war time. These duties are discussed in detail in a previous section under the title of Coast Guard Headquarters. During war time, the Coast Guard activities in each naval district are under the direct supervision of the commandant of the district.

Intelligence. Each district has its own intelligence organization composed of a central directing unit in the district headquarters and units in the field. It is equipped to handle combat intelligence in the district, but its principal activity is in the field of domestic intelligence in which it co-operates with the corresponding Army agencies and the Federal Bureau of Investigation.

Communications. The commandant of each district controls the communication facilities in so far as they link the district with the Navy Department and the Naval Operating Forces. The use of these facilities as relay stations is, however, controlled by the Office of Naval Communications in the Navy Department which has direct supervision over communication channels and traffic control.

Operations. The commandant of each district has an operations staff which has the duty of keeping track of the movement of the naval forces in and out of the district, of arranging for needed services to these forces, and in general maintaining contact with them while in the district. The duty also includes the operation of the district craft other than the vessels of the Inshore Patrol.

The operations of the Naval Transportation Service and the formation and the routing of convoys are also a district responsibility, subject however to prior direction by the Office of Naval Transportation in the Navy Department. Such operations are directed by a Port Director.

Personnel activities. The organization of the United States into naval districts lends itself to the decentralization of certain personnel activities which would otherwise impose a considerable burden on the Bureau of Naval Personnel. This is particularly so with regard to the personnel of the Naval Reserve, the district authorities being in a favorable position to keep in contact with members of the Reserve who live within their districts. Accordingly, the district commandants have been given the responsibility of procuring and training the personnel of the Naval Reserve, and of administering all naval reserve activities within their districts.

TYPES AND CHARACTERISTICS OF NAVAL SHORE ACTIVITIES

Operating bases. The major operating bases are located in harbors and bays where there are large protected fleet anchorages, such, for example, as Hampton Roads on the East Coast and San Francisco Bay on the West Coast.

The function of these bases is to furnish the vessels of the fleets

with needed services. They have receiving stations for the transfer of personnel to and from the vessels afloat; supply depots for the supply of equipage and stores; medical storehouses for the supply of medical stores; oil storage tanks for the supply of fuel; and district craft such as tugs, lighters, and fueling barges to service the vessels at anchor.

In addition to these facilities there may be located on the bases other activities such as training stations, air stations, and hospitals.

These major operating bases do not provide repair facilities for larger ships though, in some cases, navy yards are physically located within their limits.

Smaller operating bases for the servicing and repair of the smaller craft of the Sea Frontier Forces and the Inshore Patrol are located along both coasts and in the outlying districts.

Submarine bases. These are bases for the servicing of submarines. They supply a variety of special facilities for the submarine service including repair and training activities.

Navy yards. There are eleven navy yards, the main function of which is to build and repair all types of naval vessels. Besides this essential activity, various products necessary to maintain the forces afloat are manufactured at the navy yards.

Air activities. With the exception of certain facilities for the aviation detachments of the fleets and Coast Guard aviation units, all naval air stations are training establishments, though they are fully fitted for maintenance and repair. The large number of main and auxiliary air stations in the United States and the Hawaiian Islands have been removed from the administrative direction of the commandants of any bases or stations on which they may be located, and have been grouped to form six Naval Air Training Centers with headquarters at Hampton Roads, Pensacola, Corpus Christi, San Diego, Seattle, and Pearl Harbor. Each of the training centers is directed by a commandant.

Marine Corps bases. These bases which are the training stations and depots for the large forces which compose the Fleet Marine Forces are physically located within certain naval districts. The Navy Regulations exclude them, however, from the jurisdiction of the district commandants except for their co-ordination with the military defense of the districts in which they are located.

Training establishments. These consist of the various schools and training stations for the education and training of personnel that are under the cognizance of the Bureau of Naval Personnel.

Plants and depots. These consist principally of the manufacturing plants and depots of the Bureau of Ordnance, such as gun factories, torpedo stations, ammunition depots, and mine depots.

Medical activities. These consist of medical centers, hospitals, schools for doctors and nurses, medical storehouses, and medical supply depots.

Inspection activities. These include offices of inspectors of naval material, offices of inspectors of naval machinery, and offices of supervisors of shipbuilding.

ADMINISTRATIVE RELATIONSHIPS IN THE NAVAL SHORE ESTABLISHMENTS

The functions of these activities of the Shore Establishment are so diverse, and their individual relationships with particular bureaus or other activities of the Navy Department are so close, that it is obvious that they cannot be managed from a district headquarters. The Navy Regulations accordingly state that the commandant of a naval district has, in the general transactions of the service authority and control over all naval establishments ashore within the limits of his command, but is not to interfere with the management of those establishments where there are commanding officers, unless a sufficient cause renders it necessary.

Large activities such as naval operating bases, air centers, and navy yards are directed by commandants; smaller activities by commanding officers. These officers are responsible for the organization and efficient operation of the units under their command.

Communications relating to the technical work or specific duties of any of the establishments are carried on with Bureau or other activity of the Navy Department concerned.

Communications involving military policy, or which affect the operation of any other unit are forwarded through the district commandant for recommendation.

Chapter 4

THE NAVAL FORCES OF THE UNITED STATES

The circumstances of the present war have brought marked changes in the conceptions held about the employment of the naval forces in war. The use of land based aircraft operating over the sea has been a tremendous factor in bringing about these changes. Control of the sea is no longer assured by destroying an enemy fleet or containing it within its harbors; present indications are that it cannot be exercised in those areas where the enemy possesses a decisive superiority in aircraft. One striking development of this new type of naval warfare is the use of amphibious expeditions to capture advanced bases from which aircraft can be operated. Another is the increase in number of joint undertakings by the Army and Navy.

These joint undertakings have led to new conceptions of higher command. Naval officers command not only naval forces, but all forces in certain sea areas. In other areas, notably the Southwest Pacific, where joint undertakings are necessary but the land activities predominate, naval forces are under the command of the Army officer who commands in this theatre. As a consequence, higher naval commands tend to be area commands rather than fleet commands in the old sense.

The use of naval task forces, in which the composition of the forces is adapted to the task in hand, has been another striking feature of the war. A fleet has now come to mean the forces within a sea area instead of a force of fixed size and composition which proceeds as a unit from place to place.

This task force system is one of great flexibility and does not preclude the use of the entire forces in an ocean, or even the entire United States Fleet, as a task force.

Though these changes may have been due in a large measure to the particular conditions of the present war, there can be little doubt that they will greatly influence the organization and operations of the naval forces in the future.

THE ORGANIZATION OF THE NAVAL FORCES OF THE UNITED STATES

Composition. The naval forces of the United States comprise the Seagoing Forces, the Fleet Marine Forces, the naval activities on advanced bases, the Naval Local Defense Forces, and Naval District Craft.

The Seagoing Forces. The Seagoing Forces comprise seagoing vessels, aircraft, and landing craft as follows:

Fleet Groups	*Special Groups*
Battleships	Sea Frontier Forces
Cruisers	The Naval Transportation Service
Air Forces	Vessels on Special Duty
Destroyers	
Submarine Forces	
Amphibious Forces	
Service Forces	

The designations given for the fleet groups are those actually used in the fleet organization. The term force is no longer applied to battleship, cruiser, or destroyer groups. For example, the battleships assigned to the Pacific Fleet are designated as "Battleships, Pacific Fleet."

An air force is composed of carrier forces, carrier aircraft squadrons, seaplane tenders, and patrol wings.

An amphibious force is made up of divisions of transports, and flotillas of landing ships and landing craft.

A service force is made up of vessels which service the fleet, such as repair ships, supply ships, oilers, and hospital ships. It also has been found practical to include the mine forces as part of the service forces.

The special groups of the Seagoing Forces. The Sea Frontier Forces are forces of escort and patrol vessels created primarily to deal with the enemy submarine menace in our coastal sea areas. In organizing these forces, it was found that special command arrangements were needed, since their operations would of necessity overlap the boundaries of the naval districts and also would take place in those coastal zones in which the Army and Navy both exercise control. It was felt for these reasons that these forces should not be made a part of the local defense forces. Naval commands called sea frontiers, therefore, were established, and include the coastal zones in addition to the land areas of the Coastal Frontiers created by joint Army and Navy agreement. There are seven of these Frontiers—Eastern, Gulf, Caribbean, Western, Northwest, Panama, and Hawaiian.

A naval district commandant commands each sea frontier with the exception of the Hawaiian Sea Frontier which is directly under the command of the Commander in Chief, Pacific Fleet. The sea frontier commanders also command the sea frontier forces and, when acting in this capacity, are direct subordinates of the Commander in Chief, United States Fleet, and Chief of Naval Operations.

The Naval Transportation Service is directed by the Vice Chief of Naval Operations. When designated as a task force, however, it is placed under the command of the forces afloat.

Special duty ships, such as survey ships, are operated by the Vice Chief of Naval Operations.

The naval local defense forces. These consist of small patrol craft, small minelayers, and minesweepers, which operate inshore in the naval districts, and in outlying bases. Those in the districts are under the command of the district commandants; those in the outlying bases are under the command of the forces afloat.

Naval District craft. These consist of miscellaneous small craft manned by naval personnel and used in the districts.

Type organization. A type organization is a subdivision of a fleet or force, comprising all vessels of the same type attached to such fleet or force, together with such flagships, tenders, and aircraft as may be assigned. Type organizations are further subdivided as follows:

Battleships, cruisers, and aircraft carriers into divisions.
Destroyers and submarines into squadrons and divisions. (Tactical instructions still include destroyer flotillas.)
Aircraft into wings, groups, squadrons, and divisions or sections.
The transports of an amphibious force into divisions.
The landing craft of an amphibious force into flotillas and divisions.

Organization of the naval forces into fleets. The United States Fleet consists of all the seagoing forces of the Navy with the exception of the vessels of the Naval Transportation service and special duty ships.

It is commanded by the Commander in Chief, United States Fleet, and Chief of Naval Operations, who also includes within the scope of his command the Fleet Marine Forces and the naval advanced base activities. Cominch, as he is called, maintains his headquarters in the Navy Department, but in the event that the entire fleet were assembled as a United States Fleet task force, he could take the sea as its commander.

The forces of the United States Fleet, with the exception of the Sea Frontier Forces which constitute special task forces of the Fleet, are assigned to numbered fleets. These fleets as currently organized are as follows: First, Pacific; Second, Atlantic; Third, South Pacific; Fourth, South Atlantic; Fifth, Forces as assigned by the Commander in Chief, Pacific, for operations in the central and north Pacific; Sixth, Forces as assigned by the Commander in Chief, Atlantic, for operations in the central and north Atlantic; Seventh, Southwest Pacific; Eighth, Northwest Africa Forces; Ninth, Southeast Pacific Forces, Forces in European waters and other forces as directly assigned by Cominch.

The commands of these fleets are area commands. The fleets are

not permanently organized as to size and composition, nor is the individual fleet free to move in any area as a fleet. Instead, the fleets consist of such forces as may be assigned to the naval commanders in each principal area, and they vary in size and composition as component forces are shifted from one area to another.

The principal commands are (1) the Commander in Chief, Pacific Fleet, who directs all naval and army operations in all sea areas of the Pacific Ocean, except those in the Southwest Pacific, which are directed by the Allied Supreme Command in that theater, those in the Southeast Pacific which are independently conducted under Cominch, and those in the Indian Ocean which are directed by the British Naval Commander in that theater, (2) the Commander in Chief, Atlantic Fleet, who has general command of all operations by United States naval forces in the Atlantic, except for those which may be directly controlled by Cominch.

Task Forces. The assignment of the naval forces to so many fleets does not mean that the forces are divided in violation of sound principles of strategy and tactics, though the special circumstances of the current war have necessitated a division of forces between the two principal theaters of the war, the Atlantic and the Pacific Oceans. Operations are now conducted by task forces instead of fleets.

A naval task force is a force especially organized for the accomplishment of a specific task. It may consist of a force of one type, or it may be an organization of forces of two or more types. Such task forces are formed as task forces of a particular fleet, and may be composed of part or all of the forces of that fleet. They may also include reënforcements from the fleets in other areas. Thus, if a certain specific campaign is contemplated in the South Pacific, the Commander in Chief, Pacific Fleet, may detach forces from his own fleet and send them to the South Pacific to operate as part of a task force of the South Pacific command. Or, should all available forces in the Pacific be desired for a campaign in the main Pacific area, they would be assembled as a task force of the Pacific Fleet.

Organization into fleets and task forces makes co-ordination possible in combined operations. The organizations of the naval forces into fleets in specific areas and into task forces as necessary provides a flexible arrangement for the co-ordination of naval operations with those of the Army in combined operations of the two services, and also for the co-ordination of combined operations in which the forces of allied nations take part.

Chapter 5

THE ORGANIZATION OF THE SHIP

SEC. 1. THE OFFICERS

THE COMMANDING OFFICER

The administration of a naval ship, in many respects, approaches that of a state, the head of which is a dictator. Where the analogy falls down is that the commanding officer of the ship is himself governed by laws and regulations that determine many of his courses of action and conduct. However, in his own ship, in interpreting and obeying these laws, he is supreme and is fully responsible to higher authority for the proper conduct of the ship and personnel entrusted to his command.

The commanding officer, regardless of his rank, has full command, authority, and precedence over all officers and persons of whatever rank serving in his ship. He is directed by the Navy Regulations to set a good example of virtue, honor, patriotism, and subordination. He is charged with the supervision of the conduct of all persons under his command and should he not suppress unlawful activities or conduct, he is himself subject to punishment by court-martial.

It is the commanding officer's duty to maintain the material readiness of the ship for war service and he issues the necessary directions to his executive officer who in turn, with the assistance of the various heads of departments, prepares and conducts the exercises and drills required to bring about proficiency. It is imperative to guard the security of material against compromise or sabotage.

Heads of departments consult freely with the commanding officer concerning the activities of their departments and he, in turn, communicates his plans of battle or action to his officers, that they may carry out the plans intelligently. This indoctrination tends to bring about unity of action and provide for the accomplishment of the mission even though the senior officer may become a casualty.

In the presence of the enemy or when approaching a strange ship, the crew is called to general quarters and the ship made ready for battle. The battle station of the commanding officer is that station which will enable him to fight the ship to the best advantage. It is well known, by both custom and regulation, that, in the case of the loss of the ship, the captain is the last to leave. After battle, damages must be repaired as far as possible and every effort made to prepare the ship for further service in action.

Many specific responsibilities are placed directly in the hands of the commanding officer by Navy Regulations and he is solely responsible

for his acts in carrying these out. A few of these are brought to attention here. It is required that the Articles for the Government of the Navy be published monthly to the crew. This brings to their attention the provisions of law directing the discipline and punishment system in force in the Navy. The commanding officer may not delegate his authority in the investigation of offenses and the assignment of punishments permitted him by law. The welfare and living conditions of the crew are a matter of constant concern; the medical officer assists the commanding officer in maintaining the ship in a sanitary condition, and provides for proper care and isolation in the case of infectious diseases. Provisions must be maintained and stowed in proper condition, and precautions taken for their preservation.

Safety of the ship at all times is a primary consideration. Specific orders are issued and carried out to the letter, regarding the handling, stowage, and use of all ammunition. Special care is taken to provide for water-tight integrity involving closing water-tight doors, open ports at sea together with routine inspections of all compartments, and the taking of soundings in certain tanks to observe any change in their condition relative to the entry of water.

Although the navigator is charged with all the specific duties of ascertaining the position of the ship at all times, the commanding officer has the full responsibility in all matters of navigation. This ties in with his over-all responsibility for the safety of the ship at all times. The draft of the ship is recorded before getting under way and when arriving in port. Proper lookouts must be posted to meet the varying conditions of weather and condition of alert. Proper lights must be shown, Rules of the Road to prevent collisions must be observed, and a running position maintained in pilot waters, soundings taken to check with the plotted position of the ship. Compass errors must be obtained daily and recorded. All hydrographic information available must be obtained when in port. In war time, the corrections to charts, information regarding mine fields, wrecks, lights, and buoyage may mean the safety of the ship.

In addition, the navigator, under the direction of the commanding officer, is charged with the instruction of officers in the ship. Specific study and notebook assignments are allotted for all junior officers. Periods are devoted to ship handling and regulations even require that the executive officer be permitted to handle the ship to further his training for command.

THE EXECUTIVE OFFICER

The duties of the executive officer of a ship may be compared with those performed by a general manager and personnel director of a commercial plant. He is thoroughly informed as to the policies of the commanding officer and sees that these are carried out by his subordinates for the military and general efficiency of the ship. The heads of

departments act as his aides in operation and maintenance, and in the preservation of order and discipline. The executive officer has no authority independent of the commanding officer and the details of his duties are regarded as in execution of the orders of the commanding officer. The executive officer is responsible for the execution of these orders. When on board his ship, he is always on duty.

The executive officer is required to be familiar with every part of the ship. With the assistance of the heads of departments he arranges and co-ordinates all ship's work, drills and exercises, personnel organization, policing of the ship, and inspections of the ship. He is charged with the maintenance of cleanliness, good order, efficiency, and the neat and trim appearance of the ship and crew.

As personnel officer, the executive officer supervises the entries in all the crews' service records and is responsible for their correctness. All matters of discipline and conduct of the crew are investigated and reported to the commanding officer. The executive officer prepares the liberty and leave lists for the crew.

The executive officer keeps in close touch with all the activities of the ship and supervises the heads of departments in the performance of their duties including the instruction of junior officers. He may direct the officer of the deck in the general duties of the ship. Together with the commanding officer and gunnery officer, he has cognizance of the care of powder and explosives in the ship and is at all times informed of the munitions stowed in the ship. In small ships, the executive officer may perform the duties of navigator.

When the ship is cleared for action, the executive officer inspects the ship, receives reports from the various departments and in turn reports to the commanding officer that the ship is, in all respects, ready. The executive officer is the relief commanding officer in case the commanding officer is incapacitated and, in battle, has a station removed from the commanding officer, usually in the secondary ship control station. Communication is maintained with the primary control station. After battle the executive officer makes a detailed report to the commanding officer, citing all details of the action observed, together with a statement of the conduct of subordinates in praise or censure as indicated. In case of fire or other casualty wherein the ship is in danger, the executive maintains order. In case it is necessary to abandon ship, he is charged with the care of the sick or wounded.

HEADS OF DEPARTMENTS

Officers are detailed by the Chief of Naval Personnel as heads of departments on board ship. These officers serve as the principal aides or assistants to the executive officer in the co-ordination of ship's work, drills and exercises of the crew as a whole and especially in connection with those exercises pertaining to their particular department. In the performance of these duties, these officers have the general right, at

all proper times, to communicate and confer directly with the commanding officer concerning any matter relating to their department.

As each part of the ships, and each item of equipment attached to or issued to the ship must be accounted for and maintained, cognizance of this material is delegated to the respective heads of departments. The supply officer maintains the necessary records of all equipment in the ship and heads of departments are accountable to him for the equipment assigned to their care and use.

THE GUNNERY OFFICER

The gunnery officer is charged with the responsibility for the entire ordnance equipment, the efficiency of all armament and appurtenances thereto; the cleanliness and good condition of all ammunition stowage spaces and workshops; the stowage and care of explosives together with making the necessary inspections, examinations and tests; the issuing of necessary safety orders for operating equipment and handling munitions.

Detailed instructions for the safe operation of the armament and handling munitions are contained in the Navy Regulations and the gunnery officer is responsible for compliance therewith.

Personnel and material of the torpedo and aviation divisions are also under the control and supervision of the gunnery officer.

In battle, his station is normally in the primary main battery control.

THE NAVIGATING OFFICER

The navigating officer is charged with the responsibility for all equipment (except electrical) pertaining to the navigation of the ships. This includes the steering gear, lead lines and sounding gear, gyro and magnetic compasses, chronometers and clocks, instruments used in navigation such as sextants, azimuth circles, stadimeters, and binoculars, and all compartments, offices and storerooms assigned to the navigation division.

All orders relating to navigation are received directly from the commanding officer and all reports are made to the commanding officer.

In navigating, he is responsible for fixing the position of the ship at all times and for its safe navigation. He must study charts concerned, sailing directions, and other sources of information and keep all up to date. He may make and report tidal observations and weather information. He maintains an official record of navigation.

He has charge of the preparation and care of the ship's log and the instruction of the watch officers in the keeping of the log. Generally, the navigator acts as the ship's tactical officer and as an instructor to the watch officers in tactical publications. He relieves the officer of the deck at general drills and usually at quarters.

In addition to his regular duties, the navigator is the senior member of summary court-martial and hull board. He acts as deck court officer and may be survey officer, acting on request for survey of material. He may be in charge of the ship's library.

In battle, the navigator relieves the officer of the deck and acts as ship control officer, stationed in the conning tower or elsewhere to assist the commanding officer in handling the ship.

THE ENGINEER OFFICER

The engineer officer is responsible for the care, maintenance, and operation of all machinery in the ship except certain radio, sound, and visual signaling apparatus; this includes the steering and anchor engine, electrical equipment throughout the ship and such other power equipment as assigned by the commanding officer; the upkeep and cleanliness of all compartments, shaft alleys, storerooms, workshops, and machine shops assigned to the engineer division, firerooms, and engine-rooms.

The engineer officer, commonly known as the chief engineer, makes frequent inspections of his department in the interests of best operation, security from dangerous operating conditions, fire or the unwanted entry of water into the ship through the engineering department. He directs the proper training of the officers and men in his department. He is responsible for maintaining required records such as the "bell book" and other operation and maintenance records. He keeps the commanding officer informed of the condition of the plant and of the nature and extent of repairs necessary to proper operation.

In battle, the chief engineer personally supervises the operation of the machinery. In addition, when getting under way, coming to anchor, and at all times when unusual care is required to be given to the working of the engines, he is in charge.

THE FIRST LIEUTENANT AND DAMAGE CONTROL OFFICER

The damage control officer and first lieutenant assists the executive officer in arranging and co-ordinating the ship's work, drills and exercises of the crew as a whole, particularly in co-ordinating all departments in the ship's organization for damage control, assembling correct information concerning the placing of the ship in material condition for battle, and supervising exercises and training in damage control and gas defense. He co-ordinates activities for control of list and trim. In this connection, compartments under the cognizance of the engineer officer are flooded and pumped under the direction of the engineer officer but only on the advice or consent of the damage control officer and first lieutenant when stability, list, or trim will be affected.

He is responsible for the cleanliness, good order, and neat and trim appearance of the ship as a whole, and of all parts thereof; and he

has the necessary authority, as the representative of the commanding officer to enable him to carry out his duties in this respect.

The damage control officer and first lieutenant is the construction officer of the ship and is the head of the construction department of the ship. He has charge of all equipage, equipment, stores, and supplies under the cognizance of the Bureau of Ships assigned or issued to his department by the supply officer.

In battle, the regular station of the damage control officer and first lieutenant is in the central station (or damage control station if there be one) in general charge of the organization and direction of the damage control and repair parties. In case of serious fire or other casualty he may proceed to the spot, assume charge, or take such action as may be necessary.

THE COMMUNICATION OFFICER

On board capital ships, aircraft carriers, cruisers, and also in other vessels where conditions warrant, the commanding officer assigns an officer of the line to duty as communication officer, and in each of the ships of the types mentioned designates three officers to act as assistants to the communication officer, one as radio officer, one as signal officer, and one as ship's secretary.

The communication officer is responsible for the operation and maintenance of the radio and sound apparatus and of all usual signaling apparatus and equipment. He is responsible for the preparation of all communication records and reports.

The communication officer is charged with the procurement, custody, distribution, correction, and reports of all confidential and secret publications issued to the ship.

In some ships, the commanding officer may designate the communication officer as a head of department and he stands duties as such.

In battle, the communication officer is stationed in the primary communication office, the code room, or signal bridge.

THE MEDICAL OFFICER

The medical officer of a ship is the head of the medical department. He has charge of all material and stores aboard under the cognizance of the Bureau of Medicine and Surgery. Hs is in direct charge of the treatment and care of the sick and wounded, and advises the commanding officer in regard to matters affecting the physical fitness of the personnel.

The medical officer inspects, as to quality, all fresh provisions delivered to the ship. This duty may be delegated to a junior medical officer.

The medical officer reports to the commanding officer any want of care or cleanliness or any neglect in the preparation of food for the crew which may be injurious to health.

Before cooking or drinking water from shore is taken on board, the medical officer investigates its source, tests it, and reports at once if any doubt exists as to its purity.

The medical officer is required to make inspections of the cells and other places of confinement, as well as of the prisoners and reports the result to the commanding officer.

The medical officer accompanies the first lieutenant on his weekly inspections of living spaces and storerooms.

In all cases, unless otherwise directed, except in mainland United States ports, the medical officer procures a bill of health before leaving port. Upon arrival of the ship in port, he is prepared to receive the health officer and exhibit to him the bill of health; also answers any questions that may be asked concerning the sanitary conditions of the ship.

In battle, the medical officer is in charge of the primary dressing station, often established in the wardroom.

THE SUPPLY OFFICER

The supply officer of the ship is the senior officer of the supply corps attached thereto and is the head of the supply department. He has charge of the accounts of the personnel, of the purchasing of stores and material for the ship, and of the disbursement of funds in connection with the general operation of the ship. He has custody of all stores for which he renders accounts, excepting equipage in use, bunker fuel, and such other bulky supplies as may be in the physical custody of other ship departments.

The supply officer is responsible for the cleanliness and good condition of the galley, bakery, issuing room, storerooms, and places under his charge. All provisions delivered on board by a contractor are inspected for quantity by an officer of the supply corps, or by another officer designated by the commanding officer, as the officer of the deck

The supply officer has charge of the ship's store. Clothing and small stores are issued at such times as may be directed by the commanding officer. The supply officer does not have cognizance of the ship service store.

The supply officer's officer assistants are one for disbursing and one for general stores. Officers of the supply corps serve on coding boards

AIR OFFICER (AIRCRAFT CARRIERS ONLY)

The air officer is charged with the responsibility of the administration and operation of the air department, including the squadrons when embarked, and for the maintenance and repair of all spaces, materials, and apparatus under the cognizance of the air department and squadrons.

When embarked, the air group commander acts as an assistant to the

air officer in the planning and conduct of air operations. Squadron commanders act through the group commander as assistants to the air officer in the operation of their respective squadrons.

DIVISION OFFICERS

A division officer, within the meaning of the Navy Regulations, is one regularly assigned to command a division.

A watch officer is one regularly assigned to duty in charge of a watch either on deck or in the engine-room.

Officers are assigned by the commanding officer to divisions in such manner as, in his judgment, will most conduce to the efficiency of the ship as a whole.

Division officers punctually and zealously execute all methods prescribed by, and orders received from, the commanding officer, executive officer, their respective head of department, and other superiors set over them; see that their subordinates on board perform with diligence the duties assigned to them; are attentive to the conduct of the ship's company; check all profane, abusive, obscene, and improper language; suppress any unseemly noise, confusion, or disturbance; and report to the executive officer those who are guilty of any infraction of the laws, regulations, or orders by which they are governed.

They are responsible for the care, preservation, and manipulation of the part of the ship assigned to their division and of all material, stores, supplies, and articles of outfit issued to their divisions; they report immediately to the head of the department concerned, any repairs or extra cleaning which may be necessary. They furnish the officer of the deck with a memorandum of any articles lost or injured under their charge.

Division officers keep a book containing a correct copy of the watch, quarter, station, fire, collision, abandon ship, boat, and other bills of all internal orders, of the routine book, and of other written instructions concerning the duties of the ship.

They personally instruct and supervise their divisions at all prescribed drills. The junior officers and the petty officers assigned to divisions are afforded every opportunity to become proficient in exercising and handling men.

The effect of personal leadership in all training cannot be overemphasized. This duty of the division officer is his chief duty in preparing his men for battle and in upkeep of material. Personal ability in performing the duties of officer of the deck and personal battle duty are secondary, though requisite.

During exercise they follow the directions laid down in the official instructions and take the necessary precautions to prevent accidents.

The division officers, whenever necessary, should have prepared and signed memorandum requisitions for clothing and small stores or other articles required by the men. They shall not permit requisitions to be

submitted for any man more frequently than necessary with the exercise of reasonable foresight.

SEC. 2. GENERAL PRINCIPLES OF SHIP ORGANIZATION

The complement of the ship in officers and men is composed of such numbers, ranks, and ratings of officers and men as are necessary to fight the ship most efficiently.

As far as practicable, men work at cleaning stations, and berth in the vicinity of their battle stations.

The complement of the ship is further organized into divisions and crews. The assignment to divisions is based primarily upon crews assigned to battle stations. All line officers are assigned to command, in so far as possible, the divisions composed of the crews which they command in action; and petty officers to the command of crews which they command in action.

The following is taken from the ship's organization book of a modern battleship:

ADMINISTRATIVE ORGANIZATION

DEPARTMENT	DIVS	Division Assignment (Personnel)
Gunnery (Gunnery officer)	F	Fire control, optics, repair.
	1	Turret 1.
	2	Turret 2.
	3	Turret 3 and catapults.
	4	5″ Guns, Group 2 (mounts 2, 4).
	5	5″ Guns, Group 1 (mounts 1, 3).
	6	5″ Guns, Group 4 (mounts 6, 8).
	7	5″ Guns, Group 3 (mounts 5, 7).
	8	Machine guns, forward.
	9	Machine guns, aft.
	V	Aircraft and bomb stowage.
Note: Sky lookouts will come from gunnery divisions.		
Navigation (Navigation officer)	N	Navigation, surface and horizon lookouts. Band and buglers. Library.
Engineering (Chief engineer)	MF	Machinery spaces 1 and 2.
	MA	Machinery spaces 3 and 4.
	A	Auxiliaries.
	E	Electrical.
Hull (First lieutenant)	R	Shipfitters, carpenter's mates, painters, pattern makers, and sail makers.
Medical (Medical officer)	H	Sick Bay, battle dressing stations.
Supply (Supply officer)	S	Commissary, supply, disbursing.
Communications (Communication officer)	CC	Captain's office, executive officer's office, printers (when not flagship), post office, search radar.
	CS	Signals.
	CR	Radio.
Flag (Aide)	G	Flag enlisted personnel.

In addition to the normal large ship organization shown above, a carrier includes an "air department" as below:

DEPARTMENT	DIVS	Division Assignment (Personnel)
Air Department	V-1	Plane handling arresting gear (operations flight deck).
	V-2	Shops, repairs, assembly, overhaul and fueling planes (operations hangar deck).
	V-3	Weather forecast and reports. Photography. Air control.
	V-4	Administration.

The ship's organization of a carrier is subsidiary to and contributes to the activities of the air department.

ORGANIZATION FOR SMALL SHIPS

Small ships' organizations follow the organization of large ships in a general way. Because there are fewer officers, some officers hold several positions and heads of departments seldom have assistants. The heads of departments also are watch and division officers. Because there are fewer men, the number of divisions is reduced. For example, in a destroyer with six officers on board:

1. The commanding officer (usually a lieutenant commander).
2. The executive officer (also navigator).
3. Gunnery officer (also first lieutenant).
4. Engineer officer.
5. Communication officer (also ship's secretary, signal officer, radio officer, and commissary officer).
6. Torpedo officer (also stores officer).

A medical officer for the ship may not be provided, but each ship does carry a pharmacist's mate. However, a medical officer for the four ships of the division is assigned to the division and is quartered on board one of them.

No supply officer is provided for the ship, but a division disbursing officer (an officer of the supply corps) is assigned to the division and is quartered on board one of them. The other duties (commissary and stores) performed by the supply officer of a large ship are performed by ship's officers as described above.

A typical organization of a modern destroyer follows:

DIVISION	DEPARTMENT	COMPOSITION
1, 2, 3.	Deck divisions C. & R. dept.	BM's, cox'ns, seamen, carp. mates, shipfitters, and deck artificers.
4	Ordnance div. Gunnery dept.	Turret captains, gunner's mates, torpedomen, fire controlmen, and ordnance strikers.
5	Communication div. Communication dept.	Radiomen, QM's, signalmen, yeomen, pharmacist's mates.
6	Engineer div. Engineer dept.	Mach. mates, watertenders, electrician mates, firemen, boilermakers, metalsmiths, storekeepers.
7	Supply div. Supply dept.	Comm. stewards, ship's cooks, chief cooks, chief stewards, and steward's mates.

Divisions for purpose of watch assignments are divided into three sections. The sections are divided equally in so far as is practicable, include adequate ratings and numbers to man all watch stations assigned and all required stations in emergency drills.

In ships of the tender class, such as destroyer tenders and submarine tenders, a separate department is maintained in addition to the ship's engineering department, known as the engineering and repair department and administered by the engineer and repair officer. This organization is a part of the ship's organization but is administered as an entirely separate unit, devoted to the upkeep and repair of ships based on the tender. The repair officer is normally senior to the ship's engineer officer and is wholly responsible for the maintenance, repair, and overhaul of those ships as requested by their commanding officers. All activities of the tender are subsidiary to and contribute to the maintenance and supply of ships based on the tender.

IMPORTANCE OF SERVICE RECORD, JUNIOR OFFICERS

The entire service record of an officer is available for use whenever the requirements of the service demand or make it advisable. Also, any matter that is rightfully placed in the record can never be removed except by special authorization of Congress. The record is permanent. Each day of his service career the officer is building up material for his record which, when properly entered, is there to stay. It is noted when practically every change affecting him is under consideration, such as assignment to duty, special details, examination for promotion, in the event of a general court-martial, disciplinary action by the Bureau, and—of particular importance—in the selection for promotion to the higher ranks. In other words, the officer in furnishing the material for his record is daily adding to the evidence that is the basis of his personal and professional reputation in the service.

This matter is here brought to the particular attention of junior officers, and especially to those who have just been commissioned. Upon graduation from the Naval Academy, these officers are, in a day, removed from the routine of the Academy that exacts a strict attention to duty from them and exercises a guiding influence in all their affairs. Under these conditions, and accentuated by the youth of the individuals, it sometimes happens that junior officers either do not put forth their best efforts or fail in the strict observance of the naval code without any intention of being lax in the discharge of their responsibilities or in their conduct and without a full realization of the consequences. A mass of unfavorable matter, even though the separate entries are not in themselves of a grave nature, will, in the aggregate, naturally build up a prejudice against an officer which, in effect, might be as detrimental to him in the years to come as a conviction by a general court-martial.

OFFICERS' MESSES

Officers mess in the compartments assigned therefor. Separate messes may not be formed in the same compartment, nor are meals taken in rooms or other places than at the regular mess table, except in case of sickness.

In all officers' messes the senior line officer present in line of succession to the command presides and has the power to preserve order.

The officers of the mess are assigned permanent seats at the mess tables alternately, in the order of rank, to the right and left of the presiding officer, except that the seat opposite that of the presiding officer is occupied by the mess treasurer.

Each officers' mess elects a treasurer, who has charge of all matters relating to the service and expenditures of the mess, and of government property in use by the mess. All officers of a mess, except officers charged with the disbursement or custody of public funds, are eligible to election as mess treasurer, but no officer is required to serve more than two months consecutively.

The mess treasurer's accounts are audited monthly by a board composed of three officers designated by the commanding officer. The auditing board, after examining the accounts and satisfying itself as to their condition, certifies them by signature with such comment as may be desirable and then submits them to the commanding officer by the tenth of the month. If the condition of the mess, as shown by the mess treasurer's accounts or the report of the board, be unsatisfactory in any respect, the commanding officer takes appropriate action, or, if necessary, reports the matter to higher authority. The board appointed to audit the accounts of the last month of any quarter takes an inventory of the stock of the mess and includes a statement thereof in its report to the commanding officer.

Every officer attached to a seagoing ship pays monthly, in advance, the full amount of the mess bill to the mess treasurer and no officer is excused from such payment except as provided in the succeeding paragraphs of this article.

An operating fund is maintained by the mess and administered by the mess treasurer. Upon reporting to a ship, the officer concerned pays the mess treasurer, in addition to the advance mess bill, a sum of money in the amount of one "share" of the value of the mess, the value of this share being determined monthly as the worth of the mess and divided equally by the number of members participating in the mess for that month. Upon detachment, the officer collects the value of his share for the current month.

An officer ordered on detached duty or sent to a hospital is entitled to a rebate on the full amount of his mess bill for the period of his absence. An officer ordered temporarily to duty away from the ship to which he is attached, so that he does not avail himself of the privileges of the mess during such absence, is "ordered on detached duty" within the meaning of this paragraph, even though such duty should be "in addition to his present duty."

Any officer granted leave of absence for more than ten days including travel time, is entitled to a rebate of one-half the amount of his mess bill for the period of his actual absence; but no such rebate is allowed for a period of actual absence of ten days or less.

SEC. 3. STATION BILLS

The complement of a ship in men and officers is composed of such numbers, ranks and ratings as are necessary to fight the ship most

efficiently. Every officer and man has his place in the operation and maintenance of the ship, in whatever activity is being engaged in. To further this end, each ship, prior to commissioning, prepares a ship's organization book, a battle bill, watch, quarter and station bill, and other necessary bills which detail the assignments of officers and men in the performance of their duties.

The ship's organization book is a general directive and has the force of regulations. It may contain such bills as fire bill, collision bill, abandon ship bill, fueling bill, visit and search bill, towing ship bill, etc., to provide for any known contingency.

The battle bill is generally issued in a confidential classification and organizes and assigns the crew to battle stations. The executive officer, under the supervision of the captain, prepares this bill. Consideration in making these assignments is given to the particular qualifications of the officers and men concerned, placing them where best fitted. This assignment designates the duties to be performed in battle and indicates the succession to command in each station.

Based on the battle bill, watch, quarter, and station bills are prepared. Men are generally berthed and assigned cleaning stations adjacent to their battle stations. The former practice of segregating the crew by like ratings and duties has been done away with, on the principle that damage to a certain part of the ship might wipe out all the technicians of a particular branch. Division officers prepare complete and detailed station bills and when approved, these are posted in a prominent place in the division's part of the ship. The station bill shows the name, rate, billet number, and locker number of each man in the division. In addition it indicates his battle station (Conditions I, II, and III), fire station, fire and rescue station, collision station, abandon ship station (with equipment to be provided), his special station for getting under way and anchoring, his sea watch station, port watch station, and cleaning station. This bill must be kept corrected to date at all times.

Ship's Orders.
Special Orders.
Watch Officers' Guide.

It is not humanly possible to be at all times letter perfect in everything that may concern an officer of the deck. The superior watch officer, however, is always ready for any situation that may arise, and for that reason, if we assume normal personal and professional qualifications, the most important faculty to be cultivated by the officer of the deck is that of *forehandedness*. If he has fog in his watch, he should check over the fog procedure before relieving the deck. If he is to take part in fleet exercises, he should arrange to look over the orders before going on watch. If he is to enter New York Harbor, he should review the Inland Rules. If his watch is to be full of ceremonies, he must be letter perfect in the honors required and put a little extra snap in his own appearance. He must always look ahead, a minute, an hour, or a day, and make it his pride never to be caught unprepared.

Next to forehandedness in being thoroughly prepared for conditions and circumstances that may reasonably be expected during your watch, the most important quality for the officer of the deck is probably vigilance. In no position more than that of officer of the deck is eternal vigilance the price of safety. The officer of the deck must, of course, see intelligently all that comes within his vision, outside and inside the ship, but his vigilance must extend beyond this. He must cultivate the faculty of foreseeing situations as well as seeing them and must maintain and develop the vigilance of all others concerned with his watch.

A third important quality for the successful officer of the deck is that of common sense, which in his position is largely a sense of proportion and of the fitness of things. Watches vary all the way from hours of tenseness where your ship and shipmates are in your hands every instant, as in high speed work at night in a darkened destroyer, down to the calm of a quiet Sunday afternoon at anchor, when you are just "keeping ship." It is well to adjust oneself to the kind of watch. On the darkened destroyer only essentials count and you must key your mind to its keenest pitch. On the Sunday afternoon, while there is no excuse for slackness, it may be that your most important immediate responsibility is to be affable and agreeable to undistinguished visitors. It is all a question of common sense.

The fourth important quality is largely a question of appearance and manner, but it is more than mere smartness, it is a manifestation of

leadership, which instills in subordinates confidence, pride, and a desire to emulate. Every watch officer should cultivate dignity, force, confidence, and precision from his assistants. He should be particular as to his personal appearance, and should strive to avoid any indication of confusion, peevishness, or noisiness. He should always act the part of what he really is—next to the Captain the most important person in the ship.

But the officer of the deck, well endowed with forehandedness, vigilance, common sense and leadership, must have more—he must have technical knowledge of his job, he must know the relative importance of his many responsibilities and he must have experience. This book cannot cover even briefly the field of technical knowledge required of the officer of the deck, nor can it furnish him with experience; it attempts, however, in the following pages to indicate:

(1) The sources of technical knowledge, particularly as concern tactics, with which watch officers must be familiar.

(2) The relative importance of the watch officer's many responsibilities.

(3) Some of the lessons of accumulated experience so far as they can be reproduced in the printed page.

UNDER WAY—IN GENERAL

Few young men are called upon to accept responsibilities as heavy as those of the officer of the deck of a man-of-war at sea. For his position there is no counterpart in any other military service and few, if any, in civil life. As explained in the previous chapter, the successful officer of the deck requires a sound basis of technical knowledge, combined with forehandedness, vigilance, common sense, and leadership. He also requires experience. While experience must be gained on the bridge, many lessons of experience are matters of record, and may be presented here. The basic lessons of experience are incorporated in the Navy Regulations.

NAVY REGULATIONS

The following are the most important regulations concerning the officer of the deck under way:

(1) The officer of the deck is the officer on watch in charge of the ship.

(2) The officer of the deck shall be responsible for the safety of the ship, subject, however, to any orders he may receive from the commanding officer. N.R. 1061

(3) Every officer or other person on board the ship, whatever his rank, who is subject to the orders of the commanding officer, except the executive officer, shall be subordinate to the officer of the deck.

N.R. 1062

An officer about to relieve the deck shall make himself thoroughly acquainted with the position of the ship with reference to vessels in sight, and to any land, shoals, or rocks which may be near; with the general condition of the weather, the course, speed, main engines and boilers in use, all unexecuted orders, and the orders of the commanding officer for the night; with the condition of the running lights and other appliances required by law to be in operation or at hand in order to prevent collisions; and with the condition of the force on deck available for duty and the general condition of the ship.

Before relieving, when the ship is in formation, he shall see that she is in her station; if out of her station, he may decline to relieve until he has reported the fact to the commanding officer and received his orders.

When at sea he may decline to relieve the deck until there is a watch up ready for duty. If the ship be in a perilous position he may also decline to relieve the deck until he has reported the fact to the commanding officer and received his orders.

When at sea, and especially when approaching land or in pilot waters, the officer of the deck shall keep himself informed of the position of the ship; whether land or lights are in sight, or whether either are likely to be seen, and of all other particulars, which may be of use to him in keeping the ship out of danger. If approaching land or shoals he shall keep leadsmen in the chains and have the anchors and chains clear and ready for use.

He shall remain in charge until regularly relieved, and shall not engage in any occupation which may distract his attention from duty.

He shall see that the junior officers and the watch are at all times alert, at their stations, attentive, and ready for duty; that every necessary precaution is taken to prevent accidents; that a boat is always ready for lowering and the life buoys ready for letting go; that the lookouts are in place and vigilant and that they understand their duties. He shall exercise great care that the ship is skillfully steered and kept on her course, and shall keep correct account of the course, the speed and leeway made. He shall see that the running lights are kept bright from sunset to sunrise and their condition reported every half-hour; that during a fog, when approaching vessels, and at all other times the precautions required by law to prevent collisions are fully complied with; that when in pilot waters the leads are kept going or that other

means to ascertain the soundings are at hand and are frequently used; and that nothing is placed near the compass that will change its error.

When in company with other ships he shall be very careful to keep station; if unable to do so he shall report at once to the commanding officer.

When the commanding officer is on the navigating bridge, the officer of the deck shall not change the course, alter the speed, nor perform important evolutions without consulting him.

He shall promptly report to the commanding officer all land, shoals, rocks, lighthouses, beacons, buoys, discolored water, vessels, or wrecks discovered, all changes in weather or shifts of wind; all signals made; all changes of sail, speed, formation, or course by the senior officer present, or the ships in company, any change in course or speed made by himself; any marked change in the barometer, force of the wind, state of the sea, or marked indications of bad weather; the display of storm signals on shore; all serious accidents; the winding of the chronometers; the hours of 8 A.M., meridian and 8 P.M.; the latitude at meridian, if obtained; the movements of men-of-war, mail steamers and other large vessels, and in general, all occurrences worthy of notice.

He shall not, unless to avoid immediate danger, change the course without directions from the commanding officer, and then he shall report the change to him as soon as possible. When on soundings he shall regard advice from the navigator as sufficient authority to change the course, but he shall at once report the change to the commanding officer.

In time of war, or when hostilities may be expected, he shall not make any dispositions that will interfere with the immediate use of the armament. If at any time he sights a suspicious ship or other object that may by any possibility have a hostile purpose, he shall instantly make preparations for battle, and inform the commanding officer.

He shall not make any official signal, either by day or night, without authority from the commanding officer, except to warn ships of immediate danger. He shall see that a good lookout is kept for signals; that none is answered until understood; and that the authorized appliances for making signals of all kinds are at hand and ready for use, night and day. He shall see that all signals and official messages, including those transmitted orally, sent or received, are immediately recorded, noting the time and the vessel or vessels or station to or from which the signal is made.

When there is danger of a collision he shall at once sound the signals for closing the water-tight doors.

At sea he shall always cause the watch to be mustered at 8 P.M., and as frequently thereafter during the night as may be necessary in order to keep all present alert and ready for duty.

He shall require the coxswains of both life boats to report to him daily at sunset on the condition of the boats in respect to readiness for service; and at sea he shall require the coxswain of the lifeboat's

crew of the watch to make the same report at the beginning of each watch.

He shall see that the petty officer, or corporal of the guard, or other person detailed for that purpose, makes the rounds of the ship, visiting all accessible parts below the main deck every half-hour after 10 P.M., and until all hands or the idlers are called in the morning. During these rounds the petty officer or corporal is to inspect the lights and the prisoners, and see if irregularities of any kind are taking place, reporting the result to the officer of the deck. The latter shall also require a junior officer of the watch, if there be one, to make these rounds every two hours, or oftener, if necessary, when his services on deck can be spared.

N.R. 1064 The officer of the deck shall carry out the instructions laid down in the routine book, the weather and other circumstances permitting, modifying them as may be necessary to comply with the orders of the commanding and executive officers.

When the bell or bugle of the flag or senior ship can be heard, ships shall follow her in striking the bell and in sounding routine calls.

OFFICER TAKING THE CONN

The commanding officer and the executive officer are authorized to relieve the officer of the deck at any time. They may relieve him of all his duties or only a part of them. The latter condition ordinarily exists when one of these officers takes the conn. In such case the officer taking the conn assumes full responsibility for the movements of the vessel. The officer of the deck retains control of the ship's internal activities, and in addition assists the officer at the conn as much as possible by seeing that his orders are properly executed, by taking observations for him as required, by calling his attention to any matter of interest in connection with the handling of the ship.

It is important that there should be no misunderstanding as to when this condition exists and when it terminates. The officer taking the conn should notify the officer of the deck when he assumes responsibility. If, due to the necessity for prompt action, he fails to do so, but gives direct orders for the operation of the rudder and engines, the officer of the deck should repeat these orders and see to their execution. He should then inquire if the other officer wishes to take the conn. Should the officer having the conn wish to discontinue to hold it, he should inform the officer of the deck of this fact. The latter may protest this transfer of responsibility if the ship is in a dangerous position or is out of station. Should the officer having the conn appear to abandon his control of the vessel the officer of the deck should inquire whether or not he should assume the conn.

OTHER OFFICERS RELIEVING THE DECK

Qualified heads of departments are authorized to relieve the officer of the deck as a matter of accommodation, but they are not authorized to relieve him against his wishes on their own authority. The captain or executive officer may designate these or other officers to take the deck during the performance of particular evolutions, specifying that the officer thus relieved shall continue on duty as the assistant to the officer so designated.

RELATIONS WITH THE NAVIGATOR

The navigator has no authority over the officer of the deck. However, the Regulations provide that "when on soundings he (the officer of the deck) shall regard the advice from the navigator as sufficient authority to change the course, but shall at once report the change to the commanding officer." The officer of the deck should facilitate the work of the navigator in every way possible by placing the facilities and personnel of the bridge at his disposal as far as circumstances will permit. By mutual agreement the navigator may at times give direct orders for the operation of the rudder and engines. Such a condition is to be avoided except when it facilitates the operation in progress, as for instance while swinging ship; and in any case the consent of the officer of the deck must be secured before such orders are issued.

As far as circumstances will permit, the officer conning the ship should occupy a certain fixed position on the bridge. Such position should preferably be on or near the center line, and so chosen that from it the operation of steering may be observed, and the most important of the bridge instruments may be read. The judgment of distances and angles by eye will become more accurate if such a position is used. It may be advisable when on a line or line of bearing to select a position on the wing of the bridge nearest the guide.

The officer of the deck when not otherwise engaged should make a practice of running over in his mind the various emergencies which are most likely to occur under the circumstances prevailing. He should satisfy himself that the dispositions aboard the vessel are such as to meet these emergencies in the most prompt and effective manner, and should prepare in his mind the orders which he would give in each case.

When an officer relieves the deck at sea, there exists an organization of considerable size on duty to assist him in performing his duties and to feed information into the focal center—the bridge—so that he can properly perform his duties. The officer should know what this organization is, what the duties of each member of it are, the average standard of performance of duty that he can expect from the various details, and the checks that he must make on it to insure that it is alert.

Organization of watch:

The junior officer of the watch (not junior officer of the deck).
Quartermaster
Boatswain's mate of watch
Steersman
Steering engine room stand-by detail
Lookouts—day—night
Annunciator detail
Engine revolution transmitter
Speed cone detail
Signal bridge watch
Lifeboat crews
Life buoy watch
Messenger
Carpenter's mate
Gunner's mate
Leadsmen (when on soundings)
Duty section

The requirements of the individual ships sometimes vary as to the exact duties of such details as carpenter's mates, gunner's mates, and searchlight watch. The officer should consult the ship's organization book.

The officer of the deck is his own best lookout. Unless he keeps alert, he never knows whether or not his lookouts are on the job.

The officer of the deck must train himself to be vigilant and forehanded. Being vigilant, he may save his ship from grounding or collision by prompt and judicious use of the rudder or engines or both. By being forehanded, he will picture to himself, referring to the necessary publications before going on watch, just what actions he should take in an emergency such as man overboard, breakdown, steering casualty, etc.—hence he will be prepared for such an emergency when it happens. Sooner or later it will happen.

The officer of the deck at times may be in doubt as to whether or not to call the commanding officer. He may have failed to sight a light when expected, or he may be undecided as to whether a despatch can wait until morning before showing it to the captain. Under such circumstances he should always call the commanding officer.

JUNIOR OFFICER OF THE WATCH

The junior officer of the watch keeps his watch on the bridge. He assists the officer of the deck by taking stadimeter and rangefinder readings, and observing bearings as required. At night during thick weather he keeps a lookout ahead and on the bow, on the side opposite to the one on which the officer of the deck stations himself. He assists

the officer of the deck in directing the display of speed flags and cones. He may be directed to handle all routine matters having to do with the internal administration of the ship, keeping the officer of the deck informed of dispositions which he has taken, and referring to him for decision any question of importance. Inspections below decks as required by the Navy Regulations are made by the junior officer of the watch.

THE QUARTERMASTER OF THE WATCH

The quartermaster of the watch is, under the officer of the deck, in charge of the bridge detail. He should assist the officer of the deck in every way possible, particularly in seeing that no detail of the bridge activities is overlooked. As the attention of the officer of the deck is frequently concentrated on matters outside the ship, it is important that the quartermaster keep his eyes open to what goes on on the bridge at such times. He should keep a close watch on the other vessels of the formation, particularly those ahead, and should keep the officer of the deck promptly informed of the hoisting of signals, changes of speed indicators and other occurrences of interest. When not otherwise engaged his station is beside the steersman, whom he conns as necessary, and whom he may be called upon to relieve at any time.

LOOKOUTS

The officer of the deck should see that all lookouts are attentive to their duties and that they report all objects sighted promptly and in a correct manner. He should endeavor to be himself the first person to sight all objects, but should not in such case excuse the lookout from making a correct report.

SPEED CONE AND FLAG MEN

When speed cones or speed flags are operated from the signal bridge or from a position where they cannot be directly observed by the officer of the deck, their operation should be supervised by the signal officer or senior signal petty officer of the watch. When making changes of speed the officer of the deck is directly responsible that notice of the change reaches the speed cone or speed flag operators and is properly acknowledged. Where circumstances permit, the order for a change of speed should be given first to the speed cone and speed flag men, and the change of speed should not be rung up on the engine telegraphs until the speed indicators are being shifted. Speed cone halliards should be fitted with square marks to insure that both cones are hoisted at the same height when indicating the same speed.

STEERING ROOM DETAIL

The steering room detail should be under the charge of a competent and reliable petty officer and should consist of as many non-rated men

as are necessary to make all shifts of steering gear operation which may be necessary. The detail is also responsible for the routine oiling of the steering gear, for the cleanliness and good order of the compartment in which it is located and for promptly reporting any irregularities in its action or any conditions which might cause it to break down.

Officers should see that they have a proper amount of rest before going on watch. If ill they should not hesitate, through any sense of pride, to ask for a relief. The constant vigilance which is necessary while on watch, requires the complete possession of all the faculties and a sense of physical well-being, and an officer who feels that he is not capable of meeting all emergencies on account of illness owes a duty to himself and the ship to ask to be put on the sick list.

The officer of the deck will keep a better watch if properly clothed and equipped. Generally speaking, the bridge is a cold place. He should keep warm, and dry particularly about the ankles. He should have the best pair of glasses available and see that they are clean and focused. He should have a stop watch at night. A small flashlight shaped like a fountain pen is a great convenience particularly when the ship is darkened. He must see that the bridge detail and the lookouts are properly dressed and equipped.

Be sure that all publications—signal, tactical, navigational, etc., are at hand, and all current instructions and orders which may reasonably be required.

On a flagship he must have a definite understanding of what reports are to be made to "the flag," how and when. He should keep a taut bridge, a quiet bridge, and at night a dark bridge. He must remember that however alert, reliable, and efficient the watch may be, he must be more alert, more reliable, and more efficient. In the last analysis, he and he only is responsible.

RELIEVING THE DECK

This means much to the man to be relieved, but it means more to the officer relieving. If he is late and relieves hurriedly, he may overlook something, and emergencies sometimes happen in the first few minutes. Even if he is late, he should not relieve the deck until thoroughly ready to do so. As soon as he says "I relieve you" he is responsible.

INFORMATION ON RELIEVING THE DECK

The following information should be obtained before relieving the deck. Experience or special circumstances may suggest additional items:

(a) *Tactical information—*

Formation, prescribed distance, and interval.

Order of ships, and, if in column, whether odd or even ship.

Identity and location of guide.

Course: true, magnetic, by gyro, and by standard compass.

Speed: standard speed, and speed then being made.

Reserve speed available; any order as to speeds to be used.

Station keeping data: amount and frequency of changes in revolutions to keep station, whether carrying any rudder, difference (if any) between prescribed course and course made good.

Readiness of equipment: position buoy, searchlights, signal guns, breakdown flag, and when required, blinker tube, recognition signals, Very pistol, rockets, etc.

Any limitation on use of lights, whistle, etc.

(b) *Navigational information* (in addition to course and speed)—

Position of ship on the chart.

Land or aids to navigation in sight or expected to be picked up.

Changes of course or speed ordered.

Depth of water if on soundings.

Leadsmen in the chains.

Radio bearings and soundings taken or ordered.

Weather expected.

Any unusual conditions such as strong current experienced or expected.

For night watches, read and initial captain's night order book.

(c) *Ship information*—

Condition of readiness.

Status of lookouts, sea details, and watch on deck.

Lifeboats and buoys ready.

Condition of ground tackle, gun ports, air ports, ventilators, watertight doors, etc.

Location of captain and navigator (and flag officer if on board).

Drills, exercises, or ship's work scheduled for the watch.

Boilers in use; boilers or machinery out of commission.

Status of prisoners.

Any outstanding or unexecuted orders.

For morning watch, read morning order book.

On relieving the deck under way, the officer of the deck should have a clear understanding of the relative importance of the several responsibilities which he assumes. Generally speaking, this fact has not been sufficiently emphasized. His responsibilities, approximately in order of their importance, are:

Safe navigation of the ship.

Safe and efficient handling of the ship in company with or in the presence of other ships.

Safety of personnel and matériel on board.

Assistance of the ship to ships, boats, or planes in danger or distress.

Smart handling and smart appearance of the ship.

Comfort and contentment on board.

An accurate watch routine carried out with smartness and precision.

A complete "turn over" to his relief and a good log.

All regulations, customs, instructions, wrinkles, and advice as regards watch standing are merely aids to the officer of the deck in meeting these responsibilities.

SAFE NAVIGATION

Responsibility for the safe navigation of the ship lies with the captain, the navigator, and the officer of the deck. Generally speaking, the responsibility of the officer of the deck is principally in offshore navigation and piloting. As officer of the deck his share of this responsibility lies in:

Carrying out the captain's orders (particularly those in the night order book) as to course, speed, soundings, and reports.

Changing course and speed on advice of navigator (reporting same to captain), and on his own responsibility if deemed necessary in his absence.

Reports to the admiral (if on board), captain, and navigator concerning land and aids to navigation sighted or expected but not sighted, changes of course, speed, or visibility, soundings, etc.

Frequent checking and plotting of ship's position when in sight of land or aids to navigation, especially in absence of navigator from bridge.

Taking of soundings.

Noting effect on ship of current and wind in close waters, such as narrow channels.

Identification of lights, buoys, ranges, and other aids to navigation.

Obtaining radio bearings.

Before relieving the deck an officer should be certain he has all pertinent navigational information and necessary equipment, glass, stop watch, sailing directions, light list, etc. He must be absolutely certain of the true course, compass course, and compass error, and be equally certain at all times that the steersman steers the correct course. Steersmen sometimes do almost unbelievable things. He should check the gyro compass, particularly when steaming alone. They "go out" now and then.

The officer of the deck should not follow the other ships blindly. Even in close formation his responsibility for the safe navigation of his ship is unchanged. He must not hesitate to warn other ships if he thinks the formation is standing into danger. He must look out for being "set down" by the current. When entering a channel steer a safe course rather than blindly following the ship ahead.

When in doubt as to the ship's position, due to poor visibility, uncertainty as to lights or landmarks, or for any other cause, the officer

of the deck must notify the captain and the navigator at once, but should not hesitate to use his own judgment in slowing, stopping, or changing to a safer course while checking his position.

He should make full use of radio bearings, submarine bell, sonic depth indicator, and sounding machine. The Navy Regulations require leadsmen in the chains when approaching land or shoals.

In plotting ship's position, the officer of the deck must be certain of the object with which he is working. Positions plotted on objects not properly identified are dangerous.

Chapter 6

SCHOOL OF THE SHIP

SEC. 1. TERMS AND PHRASEOLOGY

In handling a ship there are three elements which an officer of the deck controls—the rudder (course), the engines (speed), and the signals to indicate to others what he is doing. In working about piers, buoys, and other ships, lines and sometimes tugs are also available. While the skillful employment of these elements in ship handling is largely a matter of experience and observation, much is to be learned by study of standard works on seamanship.

Assuming a general theoretical and some practical knowledge of ships, the officer of the deck must first concentrate on "knowing his ship," and getting the feel of her. He should take every opportunity to learn how the following general rules apply to his ship, as regards turning:

Pivoting point of a ship going ahead and swinging is generally about one quarter the length of the ship from the bow.

Shallow water makes a ship handle poorly.

To turn in shortest space. Go ahead with considerable power on one engine until the ship starts ahead and begins to swing. Then back the other engine, adjusting relative speeds so that ship will not move far ahead or astern. Rudder has little effect.

To turn in shortest time. Go ahead with all available power and use hard over rudder.

To turn with headway. Keep headway on with one engine, while backing the inboard engine with less power. Use hard over rudder, as for going ahead.

Effect of speed on turns. Speed affects the time of travel along the turning circle but has little effect on the form of that curve.

Effect of wind and sea. A ship going ahead, particularly one with a high bow, turns more slowly into the wind and sea, more rapidly away from them.

In backing. A ship generally backs into the wind, i.e., her stern goes up into the wind.

A right-handed screw, in backing, tends to throw the stern to port, and vice versa. In naval vessels, the fact that starboard screws are right-handed tends to increase this effect of throwing the stern to port, and vice versa.

The officer of the deck must know the tactical characteristics of his ship, and must keep at hand, readily accessible, tactical data giving rudder angles for the standard and other tactical diameters, and particularly the advance and transfer for different changes of course.

Turning circle. Path described by ship when turning.

Advance. Sea gained toward original front in turning.

Transfer. Sea gained toward original flank in turning.

Tactical diameter. Perpendicular distance in yards between line marking course at the beginning of turn and line marking course after turning 180 degrees.

Standard tactical diameter. Tactical diameter prescribed to be used by ships during maneuvers (generally 1000 yards).

Standard rudder. The angle of rudder which under favorable conditions will give standard tactical diameter.

Amount of rudder carried. Under different sea and wind conditions, ships require a certain amount of rudder to maintain course.

The manner in which ships gain and lose headway, "carry their way," and respond to changes of engine speeds varies with the size of ship, her "lines," condition of bottom, wind, and state of sea. Only the most general rules are possible. A heavy ship, a clean-bottom ship, a ship with fine lines, will tend to "hold her way" and vice versa. A heavy ship, a foul-bottom ship, a ship with broad lines, will tend to pick up headway slowly in response to changes of engine speed. Wind and sea ahead or astern of course tend to accelerate or retard, as the case may be. An officer of the deck must learn all he can about the speed characteristics of his ship. This knowledge will do much to make him a successful deck watch officer.

STANDARD ORDERS

It is imperative that the officer of the deck use only the standard phraseology in giving orders concerning the steering and the engines. He should learn these orders once for all and give them in a clear, firm, and audible voice, never letting excitement or indecision show in his voice.

Orders to steersman. In orders to the steersman involving the direction to move the rudder, the *direction* is given first, to be followed immediately by the amount of rudder, the course to be steered, the object to be steered for or passed, or otherwise the motive for the change, in order that the steersman may execute the order with intelligence. For example:

Right (left) rudder. A command to give her right rudder instantly an indeterminate amount.

Right (left) full rudder.
Right (left) standard rudder.
Right (left) 10 degrees rudder, etc.
Right (left) handsomely.

After such orders, the order may be "Course zero four two," "Head for lighthouse," "Pass buoy close aboard on your starboard hand," "Follow the ship ahead," "Pass close astern of the . . . ," etc.

Other orders used in connection with the rudder are:

Give her more rudder. Increase the rudder angle already on. When she is turning too rapidly, or is coming to the heading required, the order can be given, "Ease to 15," etc.

Rudder amidships.

Meet her. Use rudder as may be necessary to check but not entirely stop her swing. Given when the ship's head is nearing the desired course.

Steady or *Steady so* or *Steady as you go.*

Shift the rudder. Change from right to left rudder or vice versa. Given, for example, when the ship loses headway and gathers sternboard, to keep her turning in the same direction.

Mind your rudder. A warning to exact more careful steering.

Nothing to the left (right). Given when the course to be made good is a shade off the compass mark, and all small variations from the course must be kept to the right (left).

Keep her so. Given when the steersman reports her heading, and it is desired to steady her.

Very well. Given to the steersman, after a report by him, to let him know that the situation is understood. (The expression *All Right* should not be used. It might be confused as an order to the wheel.)

Ease your rudder. Take off about half rudder angle then carried.

Course two one five or *Steer zero four nine.* Orders to the steersman giving an exact course in heading shall be in one of the above forms and shall refer to the compass by which he is steering. "Course zero three one" is correct, *not* "course three one." It is good practice to have the course posted under the eye of the steersman.

It is not sufficient that the officer of the deck give correct orders to the steersman. He is responsible for their correct execution and in general for the efficiency of the steersman's performance. Common sense dictates that he make a point of knowing the ability of the several steersmen (including quartermasters) and that the best men are put at the wheel during maneuvers, when entering port, in heavy weather, in restricted waters, etc. But steersmen must be trained and the officer of the deck should seize favorable opportunities to instruct them under the eye of more experienced men.

It is a good idea to inform the officer of the deck of near-by ships, when training new steersmen. Always require the steersman to report the course turned over to his relief.

Under favorable conditions 5 degrees rudder is ample for steering a steady course. Inexperienced steersmen will use more. Weather conditions, variations in engine speeds, errors in rudder indicators, etc., may result in a constant rudder angle which must be allowed for, noted, and turned over to your relief.

CO-OPERATION WITH ENGINE-ROOM

The officer of the deck should make part of his general plan as officer of the deck hearty co-operation with the engine-room. He owes it to the ship and to himself. Furthermore, he may be at the other end of the tube next quarter. The engine-room wants all possible warning of changes, plus sympathetic appreciation of their particular problems. Keep the engine room informed as far in advance as possible of:

Expected changes of speed (with duration, if possible).

Standard speed, number of revolutions, also for flank and full.

Time of anchoring and getting underway.

When beginning maneuvers or when settling down for steady steaming.

When the ship is guide.

When reserve speed requirements are to be changed.

When entering close waters, going alongside piers, etc.

In general, any situations, orders, or circumstances which may affect the operation of the engineer department.

Many and too radical changes of speed should be avoided. Except in emergencies do not ring from ahead to astern without ringing "stop" in between.

When conditions permit, use the bell pulls now and then. They will be better understood in an emergency.

Insist that all orders to the engine-room be repeated correctly by the same means as sent. On the other hand, see that reports from engine-room to bridge are repeated by way of acknowledgment.

Standard orders to engine telegraph operators. The order is in three parts:

The engine, or engines, as "starboard (port) engine," "all engines," etc.

The direction as "ahead," or "back."

The amount, as "standard," "one-third," etc.

Thus the complete order, "port engine, ahead two-thirds," "starboard engine, back full." etc.

Checking telegraphs. When the order to the engines is acknowledged by the engine-room, and the indicator shows that the engines are obeying, the telegraph men must report, for example, "Starboard engine backing one-third, sir."

In all cases the officer of the deck must check the execution of his orders.

Engine telegraphs. In addition to the markings of the standard engine-room telegraphs, the following engine signals are available:

Ahead emergency full speed. For all available speed *ahead* to meet an emergency. Three or more rapid rings for full speed ahead on engine-room telegraphs.

Back emergency full speed. For all available speed *astern* to meet an emergency. Three or more rapid rings for full speed astern on engine-room telegraphs.

Ahead flank speed. Except in new ships full speed ahead rung up twice, or if at full speed, then ring once. Engine-room should be notified by other means also, including revolution indicators, if fitted (as in large ships).

Bell pull signals. All ships are equipped with bell pulls for emergency signals to the engine-rooms, should other methods fail. Like a pistol, they are not often used, but when needed are badly needed. Learn them once for all. In the Navy the standard bells are:

1 bell .....Ahead slow
2 bells .....Stop
3 bells .....Back
4 bells .....Ahead full

In addition to engine-room telegraphs and bell pulls, most ships have telephones to the engine-room and engine revolution transmitters. The officer of the deck must assure himself by frequent tests that all means of communication with the engine-room and all systems of signals are in operating order.

The officer of the deck in handling his ship is not only responsible for his ship's course and speed, but when in company or otherwise in sight of other vessels, is frequently responsible for indicating by certain signals what he is doing or intends to do with his course (rudder) and with his speed (engines).

The course signals are primarily the sound signals of the Rules of the Road, and will be covered later. Speed signals are primarily signals of the Naval System.

SEC. 2. SHIP HANDLING SITUATIONS

Generally speaking, there are three different situations as regards the safe and efficient handling of a ship:

(1) When maneuvering in restricted waters, as in making or leaving a dock, buoy, or other ship.

(2) When proceeding independently, meeting other vessels, encountering fog, etc., and governed primarily by the Rules of the Road.

(3) When in formation with other naval vessels and governed primarily by naval standard instructions.

SHIP HANDLING IN RESTRICTED WATERS

As a general proposition, the officer of the deck, particularly if young and inexperienced, will not be called upon to handle the ship in restricted waters, making landings, picking up buoys, etc. The captain or executive officer normally takes the deck at such times. However, the deck watch officer cannot begin too early to study by close observation the problems of ship handling under such conditions. Officers in destroyers and submarines have particularly good opportunities to learn by observing experienced ship handlers and by comparing their own "mental maneuvers" with the maneuver as actually performed. They should eagerly embrace any opportunity that offers, to gain experience in close-in work and with their ship as a basis for learning by practical observation and experience.

One may not be required to handle the ship while making a pier but must know the various lines used.

Whatever his station when leaving a pier, an officer can always be of service by keeping his eyes open for the steamer, ferry or small boat that so frequently appears at just the wrong time and place. Remember that in backing out from a slip or pier, the proper whistle signal is one long blast as a warning signal, not three blasts to show you are backing.

SHIP HANDLING UNDER RULES OF THE ROAD

This book is not the place for the Rules of the Road. They will be found in Knight's Seamanship, in Chapter 55 of Navy Regulations, and in Farwell's *Rules of the Nautical Road.* In applying the Rules it should be kept clearly in mind that they are composite in character, consisting of:

(1) The International Rules, concerning navigation on the high seas.

(2) The Inland Rules for United States waters.

(3) Pilot Rules and local regulations which supplement Inland Rules.

(4) Decisions and interpretations by courts.

It should further be kept in mind that nations other than the United States also have local rules which must be considered when in their waters. These local foreign regulations must frequently be obtained from pilots or sailing directions.

The officer of the deck must know the Rules of the Road for any

situation that may confront him—their application and interpretation. If he does not, he risks his shipmates, his ship, and his commission when he takes the deck.

In practice, the best way to assure the correct action or interpretation in any situation involving the Rules of the Road is to check over in one's mind, or in the book if necessary, the items which may arise under existing conditions, and not burden the mind with rules which concern some other situation. During a clear forenoon watch, mentally check the crossing situations and signals. The officer of the deck may forget about lights for the time being. Know in advance when the ship will pass from waters of Inland Rules to those of International Rules, and make a mental check accordingly.

Read and learn all one can about Rules of the Road. They constitute a professional subject much discussed, with many and varied interpretations. One's knowledge places him among seafaring men and it may concern hundreds of lives, thousands of dollars and your next promotion.

The following situations in which the officer of the deck is required to handle his ship in accordance with the Rules of the Road are of common occurrence:

(1)

When proceeding independently and encountering naval or other vessels.

(2)

When in company with other naval vessels joining up, forming, or breaking up a formation.

(3)

In a formation, encountering other ships and forced to maneuver independently of the formation.

In case (1) art B-256, the ship is under International or Inland Rules, as the case may be. Being a naval vessel, rather than conferring any privileges, increases the responsibility to be most exact and absolutely correct in all one's actions under the rules.

In case (2) art B-256, the Rules of the Road govern absolutely but you have certain advantages in your added confidence in the other ships, the benefit of their speed indicators or other signals, the knowledge that small high-powered ships like destroyers may be counted upon not to embarrass large ships like battleships and carriers.

Case (3), is the rather common situation of naval vessels in formation encountering other vessels in position involving the Rules of the Road. Generally speaking, a single naval unit may be counted

upon to avoid embarrassing ships of a larger formation. A destroyer, for example, will not break into a battleship formation by maintaining a theoretical right of way. On the other hand, merchant vessels, particularly if confused by the lights of many ships, will often maintain their right of way and run directly into a formation. Under favorable circumstances, a small formation, good visibility, no other ships involved, etc., the formation commander will probably maneuver his unit as necessary to clear the "outsider." But as officer of the deck of a ship in formation, do not count on the unit being maneuvered clear. This is a difficult or impossible maneuver under many conditions, and under any circumstances, you are responsible for handling your own ship in accordance with the Rules of the Road, as regards the outsider and naval standard instructions as regards naval vessels in your formation.

Always take bearings of crossing or meeting vessels, or vessels that may become such. If the bearing draws forward she will pass ahead, if it draws aft she will pass astern; if it remains the same there is risk of collision. The only difficulty an officer will find will be with the bearing of a crossing vessel on his starboard bow drawing very slowly aft. He cannot be sure whether or not he can pass clear ahead of her. In this case take action at once.

The officers of tramp steamers are not likely to be so familiar with Rules of the Road as officers of regular liners and it is a good policy to give them as much room as possible and be prepared to maneuver to keep out of their way. Some merchant ship captains make a practice of maneuvering to put the other ship on their port bow, "showing the red light," with the idea of thus obtaining the right of way. A change of course for this purpose violates the rules, and does not relieve them of responsibility they otherwise would have. It is a dangerous practice, particularly in crowded waters, but should always be kept in mind, as a possibility to be reckoned with.

Merchant vessels frequently maintain their right of way right through a formation. When cruising in formation and merchantmen are sighted, the officer of the deck should keep close observation on their movements. It may be that he is not near the point where she breaks through the formation, but he may be vitally concerned in the maneuvering attendant on her breaking through.

SOUND SIGNALS

Not only must the sound signals for course and speed as required by the rules be known, but also the exact details of their use, and the

difference between their meaning under the International, Inland and United States Pilot Rules. Remember that a *short blast* is of one-second duration. The distinction between this signal and the "prolonged blast" (four to six seconds) used as a fog signal is of great importance, particularly when vessels are in sight of each other in a fog, or are in formation and changing course in a fog.

IN FOG

In fog or equivalent low visibility, the officer of the deck of a naval ship is responsible for proceeding in accordance with the letter of the law as regards the "Rules." If in formation, there are additional requirements which will be touched upon later.

Aside from the special requirements of formation cruising, the three essentials in a fog are:

(1) Intense vigilance.
(2) Proper fog signals.*
(3) Slow speed.

It is assumed that the ship is properly secured and has sufficient boiler power.

Intense vigilance, includes not only vigilance, but the stationing of extra lookouts, and their proper supervision and instruction. The ship organization will generally provide for extra lookouts, but as a minimum, one should be stationed in the eyes of the ship, and one on each wing of the bridge as low as possible. Send a lookout aloft, particularly in entering or leaving port, where the masts of large vessels may be seen above the fog.

Be accurate in fog signals, and do not hesitate to start the whistle when fog, mist, snow, or rain interfere with visibility. It is not necessary to get permission from any one to start the whistle. Use a stop watch to time it correctly.

SPEED IN FOG

There are volumes on this subject, but for the officer of the deck, setting the speed in a fog on his own responsibility, there is but one rule, i.e., of two speeds under consideration, always take the slower, and generally speaking, the nearer it is to steerageway, the better.

The proper speed in a fog has been held to be such a speed as will enable a vessel to bring herself to rest before coming into collision with any other vessel which she can sight through the fog in its existing condition, assuming that the other vessel is also running at a proper speed and that both vessels act promptly to prevent collision. In a dense fog, this calls for the very lowest speed which is consistent with steerageway. Steamers have been found at fault when running slower than

* May be dispensed with in war time.

5 knots. If the fog is so dense that a ship which barely has steerageway and good reserve power cannot see another in time to avoid her even at that low speed, then the law requires vessels to stop and, if circumstances permit it, to anchor.

In interpreting the fog signals of other ships, direction is probably most important, and direction is deceptive and uncertain. However, use sense of sound direction, get a consensus of those on the bridge, if time affords, but remember the responsibility for timely action is with the officer of the deck.

Within limits one can make some deductions from the sound of fog signals. A sailing vessel using a fog horn can generally (but not always) be distinguished from a steam vessel using a whistle or siren. If concerned with a sailing vessel, there may be little breeze in a fog and she will not be making much way. If there is considerable breeze, her headway can roughly be estimated from her signals. An obviously powerful whistle generally means a large man-of-war, or large passenger ship, and if in lanes of the liners, it may be expected that they are making speed excessive for fog conditions.

If in waters where icebergs may be encountered, stop, or, if necessary, run dead slow, watch for changes in temperature of water, and listen for echoes of own whistle.

SEC. 3. STATION KEEPING

Naval vessels, particularly combatant ships, normally operate in formation with other vessels. They perform maneuvers often quite complicated, in close formations, and often at high speeds. They operate in fog, in smoke, and in darkness and frequently without lights. It is under these conditions that the quality as an officer of the deck meets its severest test.

One's skill, expertness, reliability, and smartness in handling a ship in formation is one of the prime tests of an officer of the deck's efficiency and promise as a young officer. Success there is probably the surest road to reputation and preferment.

To be successful in handling a ship in formation, one must have experience, coolness, self-control, and technical knowledge. This book records some of the important lessons of experience. It can only advise the cultivation of qualities of coolness under strain, or self-control and clear thinking in situations of tenseness and excitement. These qualities are largely personal characteristics, but they may be developed with confidence born of experience, and in association with officers possessing these qualities in a marked degree.

This book can outline in only the briefest way the technical knowl-

edge which the officer of the deck must have if he is to excel in handling his ship in formation.

The officer of the deck in formation must be thoroughly qualified in ship handling in general, as outlined in the preceding pages, particularly in the tactical qualities of his ship, standard phraseology of the bridge, the Rules of the Road, and the general cautionary rules which are part of the same force or formation.

He should have a background of general knowledge concerning the fleet, and a clear conception of the general plan underlying its organization, training, and fighting, as given in the War Instructions and other basic publications. He must be familiar with the fleet dispositions and maneuvers, and particularly with the normal employment of his type and its relation to the fleet as a whole. So far as it may affect the handling of his own ship, he must also have a general knowledge of the formation, maneuvers, limitations, and characteristics of all types, including aircraft, with which he may operate.

Screened speed lights are provided to indicate changes of speed when ships are darkened. They are used only when actually changing the course or speed of the ship. When so used, the screened speed light is turned on the next ship in the direction away from the guide, or if she is not visible, on the bearing on which she should be, and is so operated as to show the speed being made according to the same signals as those provided for use with truck lights.

GUIDE

Major subdivisions of the fleet cruising disposition keep station with respect to the fleet guide. They may be assigned to specific positions or given a general area in which to operate. The accuracy with which they will adhere to their assigned normal stations will depend upon the requirements of the situation.

Each of such major subdivisions constituting a formation have a formation guide on which all the vessels of that subdivision keep their position either directly or through their unit guides.

A formation may be subdivided further into a number of tactical units each of which keeps its position on the formation guide. The vessels of each tactical unit keep their station on the unit guide.

The guide of a fleet, a formation, or a unit may be assigned as such by the commander of the force in question, or this duty may devolve upon a particular vessel under the instructions for the formation in use or the maneuver being conducted.

It is desirable that the guide be so placed in any formation that the

following requirements be met, unless the formation be a temporary one or circumstances make some other arrangement desirable:

(a) In column the guide should preferably be the leading vessel.

(b) In line of bearing the guide should preferably be the vessel on the advanced flank.

(c) Other things being equal, it is desirable that the vessel of any tactical unit nearest to the formation guide should be the guide of that tactical unit.

A vessel which has become the guide of her formation or unit will retain the guide until a new guide is designated, or until a change of the formation is made which requires some other vessel to take the formation guide. In the latter case, the new guide will assume her duties as such on the execution of the signal calling for the new formation.

In maneuvers which require vessels or units to base their position in the new formation on some vessel, that vessel will assume the guide immediately on the execution of the signal and will retain it until the vessel which is to be permanent guide of the new formation has reached its assigned position.

When the guide is out of position or is maneuvering to attain a new position or to expedite the execution of a tactical signal, this will be indicated by displaying the guide flag at the dip.

Should the guide be forced to leave the formation, the guide flag or pennant will be hauled down as a signal for other vessels to disregard her movements. In such case, the guide will be at once taken over by the nearest vessel in the formation or unit concerned, or if two or more vessels are stationed at the same distance from the former guide, by the senior of these vessels.

STADIMETER OBSERVATIONS

When taking up a stadimeter its adjustment should be checked by setting the masthead height approximately at the setting to be used in the observation to be taken, placing the drum at infinity, and observing the horizon or a fairly distant vessel. If a single image is seen, even when the stadimeter is rotated about the line of sight, the adjustment is correct. If not, the instrument should be brought into adjustment in accordance with the instructions usually to be found fixed inside the cover of its stowage box. Should an immediate reading be required, this may be obtained by rotating the drum until a single image is obtained and noting the position of the infinity mark with reference to the index point. If this mark is then, say a quarter inch to the right of the index point, apply this correction to all readings of masthead angles; that is, instead of reading the distance shown by the index point, read the distance shown by the point a quarter inch to the right of this point on the drum.

It should be remembered that the real value of the stadimeter is not

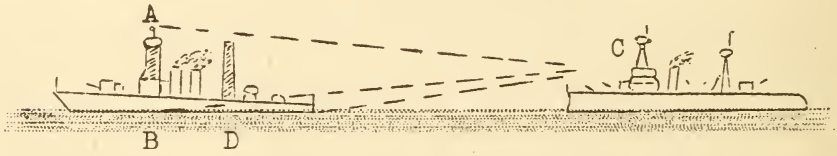
only to give the distance to another vessel, but to determine whether your ship is *losing or gaining* distance.

A table of the masthead heights of all vessels which are likely to be in the formation should be permanently posted in a convenient position on the bridge. It is also convenient to have a copy of this table, or extracts therefrom, posted inside the stadimeter boxes. It should be remembered that the point used in determining masthead heights is the center of the truck lantern. If a pole mast for hoisting flags extends beyond the truck, it must be disregarded in taking stadimeter readings.

Correct stadimeter readings. The distance announced by the stadimeter operator should be the distance from bridge to bridge. Normally, the bridge and the foremast are so close together that, if the foremast is used, it will be unnecessary to make any corrections. However, if the mainmast is observed, it will be necessary to correct the readings by adding an amount representing the difference in the distance of the foremast and that of the mainmast. If in column, this correction will be equal to the distance between masts, if in line it will be zero, if in line of bearing it will be an intermediate amount which may be readily estimated, depending on the inclination of the line of bearing to the course.

TAKING READINGS ON MAINMAST

When in column or line of bearing less than 30 degrees on the quarter, it is preferable to take observations on the mainmast in spite of the correction required. Not only is the angle greater, resulting in increased accuracy, but the error due to the displacement of the water line at the stern from the water line abreast of the mast observed is less. (It should ordinarily be possible to eliminate this error by the means described in the second succeeding paragraph.)



In the sketch above if the foremast is observed the angle for which the stadimeter is set is *ACB*, while an inexperienced operator is likely to actually take the angle *ACD*. In such case the error induced may be considerable, particularly with lofty bridges and at close distance.

It will always be in such a direction as to make it appear that the ship is closer than it really is. When observing the mainmast an error of the kind mentioned may be avoided entirely by observing two points in a vertical line such as the truck and the bottom of the searchlight platform (the table of masthead heights above includes certain intermediate points as well as height above the water line). Results will be most accurate when the points observed are as far apart as possible. An

approximate correction may be made by running by eye a line across the ship from where her side cuts the water abreast of the mainmast, and by bringing the truck down to this line instead of the actual waterline.

The relative movement of ships is very largely the basis of skillful ship handling in or out of formation. One must learn once for all, readily and accurately the usual "relative movement" problems, employing the maneuvering board. One must of course be expert with stadimeter, pelorus, range finder, and other operating equipment on the bridge.

It is not expected that the officer of the deck be an expert signalman. On the other hand, he must be able to read "direct reading" signals. That is the class of tactical signals which is constructed on a system and are to be translated without the necessity of reference to the signal books.

Next to complete information and knowledge at one's finger tips is the certainty of having at hand the publications or other references containing that information. The experienced officer of the deck always assures himself of having at hand the references he may require during his watch.

GETTING UNDER WAY

The preliminary preparations for getting under way are covered in the chapter on officer of the deck, not under way. The important thing is be "all ready for getting under way" in ample time, so as to make the transition from "at anchor" to "under way" status without undue haste or effort.

Forehandedness is the great thing. Get on the bridge well ahead of time to see that the ship is as well placed as the others for getting under way and standing out promptly. Be sure to have plenty of power on the windlass. If the ship lies at a disadvantage, as compared with the other ships, call this fact to the captain's attention. He may want to improve her heading with the engines while the anchor is still down, or he may want to get permission to get under way a few minutes early or to cast in the opposite direction; or he may heave in ahead of time. The idea is, by looking ahead, to assure a fair start with the other ships, both as to heading and as to "anchors aweigh."

When heaving in to a short stay, rudder and engines may be used at discretion to assist the anchor engine. The use of AFIRM is prescribed as follows: Displayed at the fore by a ship getting under way in obedience to signal, it means "Hove short" when at the dip, and "the anchor is aweigh" when at the fore truck. When hauled down it

means "Ready to take position in formation." It is not displayed when hove short in obedience to signal to "Heave short" until the signal to "Get under way" is made and executed, when it shall be broken at the dip. It is not used for this purpose at night unless so ordered.

The actual ship handling in getting under way will usually be done by the captain or executive, but this is an opportunity to learn by observation and mental maneuvers.

The various situations in getting under way are without number. The ships of a unit may be anchored without formation, at docks, or at buoys, or may be in formation. If not in formation, the object is to get under way smartly and as soon as possible to take one's station at the proper distance from the unit guide, on her course and at her speed. In doing this, follow the rules of maneuver, but also show every consideration for the other ships getting under way. If anchored in formation, unit may be headed fair in natural order or inverted order, a simple case which offers no difficulties, provided one makes certain to go ahead in time to keep closed up.

If the ship is not headed fair, the order to get under way will generally indicate the direction in which the ships will cast. In slack water, ships of the same unit may be headed in varying directions, so that some must cast one way and some another. In this case, it is good practice to indicate one's intentions to adjacent ships.

Under the above conditions, when ships must be turned before standing out, they should, as far as possible, follow the flagship and maintain the bearing from the guide. In turning, remember that:

(1) If not in shallow water, ships will generally turn on the heel by backing full on the inner screw and going ahead about two-thirds on the outer screw, which should be varied to keep way off the ship. Rudder may be kept amidships.

(2) With little water under the keel, it is better to use less speed.

(3) With ships having four shafts and small propellers, it may be necessary to start the ship swinging in the proper direction by going ahead on all engines with hard-over rudder before backing the screws on the side toward which the turn is to be made. With four propellers, the rudder will assist when turning short and it should be placed in position as if ship had headway. Experience is necessary in order to stop the swing at the proper point. In large ships, the engines are usually stopped when about 20 degrees or 30 degrees from desired heading, and reversed at about 10 degrees.

In turning rely only on the man in the chains, or on ranges to tell about headway or sternboard. Nothing can be told by watching water disturbed by screw currents.

When turned and ready, go ahead promptly, following the flagship, taking distance from that ship, and disregarding, so far as safety permits, any ships delayed or otherwise behind station.

ANCHORING

When anchoring or mooring in a fog each guide shall sound "A" (·—), followed by the last numeral of the ship's visual call sign, on the whistle, when the (first) anchor is let go.

Let go the anchor promptly with the anchoring signal, backing and veering chain as necessary to avoid snubbing the ship with the anchor chain.

To counteract the inherent difficulties in anchoring, the following general precautions must be observed:

Accurate revolutions, particularly at one-third speed.

Skillful steering by the best steersman.

Extreme vigilance by the officer of the deck immediately when the ship begins to gain or lose.

More radical handling of rudder and engines than under normal cruising conditions.

Greatest care in handling speed indicators.

Drop anchor exactly on signal.

Be sure that the engine-room knows the ship is approaching an anchorage. As the formation slows, station keeping will become more difficult and more important. Small changes in revolutions and small rudder will be ineffective and it may be necessary to go from, say, one-third to stop, or to two-thirds.

It may be necessary to check headway by a "kick astern" on the engines though this should be avoided if possible. Should it be necessary to back, it is best to have the rudder amidship, if you want to keep the same heading. Should the ship start to swing, losing steerageway, it may be necessary to use the engines to check her and bring her back to the proper heading.

When ships in formation are to anchor in previously assigned berths, division commanders will be directed to take charge of their divisions when approaching the anchorage and will conduct them to the vicinity of their anchorage points in formation.

The signal "Anchor in berths previously assigned" is then made by the division commander. When executed, the formation ceases to be effective, the unit guide pennant is hauled down, and each ship proceeds independently to her berth and anchors.

When a single ship is to anchor in a formation already at anchor, the ship occupying the berth adjacent in the direction of the flagship will signal the bearing and distance of her anchor from her foremast, and at night will turn on her foretruck light.

When ships in formation are directed to moor, a flying moor will be made unless ordered to the contrary. Course will normally be so directed as to bring the ships to their anchorage points headed directly into the prevailing current or wind. Unless otherwise ordered, the line of anchors will be the line of bearing of the formation when the anchoring signal is executed. If mooring simultaneously, the first anchor will be let go immediately on the execution of the signal to anchor and afirm is broken at the dip at the fore truck; the ship will go ahead and the second anchor will be let go by each ship independently when the proper scope of chain for a taut moor has been laid out. Afirm is two-blocked when the second anchor is let go and hauled down when the moor is completed. When mooring in succession, the guide or ship designated shall anchor first; each ship shall hold position with as short a scope as possible on the second anchor until the next ship has dropped her first anchor; she shall then veer and heave in to the prescribed scope.

When it is directed that a flying moor be not made, ships will go astern after letting go the first anchor, and, unless otherwise ordered, will let go the second anchor bearing from the first anchor the reverse of the course of the formation. In this case, if mooring in succession, each ship shall ride to a short scope of chain on her first anchor until the vessel next adjacent has let go her first anchor.

Anchor buoys will be used by all vessels anchoring in company with other vessels, unless otherwise ordered.

Marker buoys may be used by vessels leaving an anchorage with the intention of returning shortly to the same berth, provided that their construction and position is such that they will not obstruct the movements of other shipping, and that they may be easily distinguished from navigational buoys. If a vessel which has left a marker buoy returns at night, the next adjacent vessel should, if practicable, illuminate this buoy, with her searchlight until it is picked up by the incoming vessel's searchlight.

Accurate station keeping is a prime requisite to safety and smartness in cruising and in maneuvers. It is also, to a considerable extent, an indication of the alertness and skill of the watch officer.

As stations are determined by bearing and distance from the guide, the basis of good station keeping is continuous and accurate knowledge of the bearing of the guide and the distance from the guide and the next ship towards the guide.

Bearings, as determined by specific signal or by the formation then in, are reckoned from the guide, either true or relative. On the station keeping ship, the bearing is normally converted to the bearing of guide from the ship, by gyro repeater at the pelorus, and this is the

bearing used in constantly checking your position. In working with bearings when keeping station, it is easy to become confused.

Distance is normally prescribed as space between adjacent ships, and is measured from one ship to the next ship toward the guide. In practice, however, it is not quite so simple. The theoretically correct station is a certain distance from the guide, depending on prescribed distance and number of ships between you and guide. One should endeavor to maintain this distance from the guide so far as it is possible to do so without interfering with your safety of maneuver in connection with the next ship toward the guide.

Specifically, if distance is 700 yards and you are fifth ship in column, you should be 2,800 yards from the guide; if you are 2,775 yards from the guide, you are about in position even though you may be 800 yards from the next ship ahead and you should make no effort to close up.

To avoid ambiguity, use the terms "opening" and "closing," in observations of distance. When distance is taken to the mainmast, as when in column, the observer should add the distance of mainmast to foremast to get correct distance.

The great value of the stadimeter and other distance measuring devices is in quickly detecting when the ship begins to close or open.

Practice estimating distances by eye. Unless there is considerable pitching of the ship, you can make a good estimate and detect changes by standing at some spot on the bridge and lining up the jack staff with some point on the ship ahead.

KINDS OF STATION KEEPING

There are two kinds of station keeping—(1) *close station keeping*—as in any of the normal formations, at standard distance; and (2) *distant station keeping*—as in the case of a ship acting as a station unit in fleet disposition. In close station keeping, the greatest attainable accuracy is required and your changes of course and speed in correcting position are limited by the nearness of adjacent ships. In distant station keeping, the assigned position is approximate and the ship is free to make larger changes of course and speed if necessary, in adjusting her position.

STANDARD COURSE AND REVOLUTIONS

To keep accurate station, the first thing is to determine the exact course and number of revolutions required normally to keep pace with the guide. Usually this information will be known with considerable accuracy from the signaled course and speed used in connection with

one's own compass error and revolution curves. The data thus determined, however, cannot be implicitly relied upon until checked by actual experience. After the ship has been steaming steadily for an hour, the average course and revolutions for the hour should furnish a satisfactory guide as to what is normally required to hold her in position. In any case, the best information available should be turned over to one's relief. Particular care will be necessary during the first half hour of each watch. Not only will the officers of the deck in the ships ahead be inclined to experiment with changes of revolutions, but during the time the engineer's force is being relieved, it is possible that steam pressures may be allowed to fluctuate and the speed be not as carefully regulated as usual.

IN COLUMN

Station keeping in a column formation is almost entirely a question of speed adjustment and of having the feel of the ship, as changes in actual speed lag behind the changes in revolutions ordered from the bridge.

If the leader and guide, make every effort to insure good steering and steady and accurate speed. Watch the steersman and frequently check the revolutions. The officer of the deck of a ship astern will appreciate the importance of this extra care on the part of the guide.

If not the leader, the ability of an officer of the deck to keep station depends primarily on getting the feel of the ship and quickly detecting changes in distance. The feel of the ship is based on experience and common sense. It is obvious that there is a lag in the effect of the changes in revolutions ordered. Study this lag intently and learn to anticipate. It varies of course with the size and type of ship, condition of bottom, etc.

Be prompt and accurate in operating speed indicators. Remember the Golden Rule.

In general, when in column keep inside rather than outside distance. It is much easier to drop back than to close up. A ship that is regularly behind position is not a smart ship and the captain will get unpleasant signals which will not help the officer of the deck.

Always keep in mind whether you are an odd-numbered ship and sheer out to the right, or an even-numbered ship and sheer out to the left. When you are getting uncomfortably close to the ship ahead, get your bow slightly on the side toward which you sheer out.

Keep a sharp lookout on the ship ahead but don't forget the ship astern; always know when that ship is too close and if practicable cooperate with him with some slight increase in speed.

In column open order, the second and third ship is 3 degrees and 1.5 degrees on the port and starboard quarter respectively of the leader. These are small angles. A ship is out of position if she materially

exceeds them, and as the other ships follow the whole formation is thrown out.

Remember that as soon as any change of course is signaled you at once sheer into exact column wihout waiting for execution. After the completion of the maneuver by the second ship astern, sheer out to open order.

LINE OR LINE OF BEARING

Station keeping in line and line of bearing involves not only the feel of the ship as regards changes of speed but also the interrelated effect of changes in both course and speed upon both bearing and distance. It is highly important to detect promptly any change in bearing or distance.

Correct bearing is generally considered more important than correct distance (errors in bearing are more apparent on the flagship). It is generally considered better to be slightly behind bearing than ahead of it. It is of course best to be accurately on station in both bearing and distance.

METHODS OF STATION KEEPING

There are three methods of station keeping in line and line of bearing:

(a) The "track line" method.

(b) The "bearing first" method.

(c) The "relative movement" method.

Of these the first two are rough and approximate methods, the last is more nearly exact.

(a) *Track line method.* In this method, the officer of the deck, using the maneuvering board, plots (1) his assigned position, (2) his track line through that position, and (3) his actual position. If his actual position is on the track line, he gains position by changes of speed only; if off the track line, he gains his proper position by first changing course toward the track line (making some adjustment in speed if possible), and then, when on the track line, by changing speed to move ahead or drop back as may be necessary.

This method requires continuous plotting, or the use of a "pivoted arm" on a maneuvering board. It is not the quickest method of correcting position, and adjustments of speed, when regaining the "track line" are a matter of trial and error, or seaman's eye.

A variation of this method involves drawing a second line through the assigned position, perpendicular to the track line. Then, if plotted position is ahead of this line, you should slow and, if to the right of track line, you should turn left—and similarly for the other situations. This method is a really rough approximation of the relative movement method.

(b) *Bearing first method.* By this method, the officer of the deck maneuvers (1) to correct his bearing and (2) to correct his distance. This recognizes the idea that bearing is more important than distance, but to a considerable extent, it disregards the relation between the two. In common with the track line method it tends to make "two bites" of the rather simple problem of regaining position.

(c) *Relative movement method.* By this method, the officer of the deck determines from his position errors, or from plotting the direction or relative movement necessary to take him to his correct position. He then chooses a combination of speed and course changes, which will result in the desired relative movement.

STATION KEEPING IN FOG

Cruising in formation in fog or other form of low visibility involves responsibilities in addition to those of independent cruising under similar visibility. Experience and common sense require that ships keep well closed up. This is the greatest single aid to safety when cruising in formation in a fog. As long as you can see the ship ahead, her searchlight, or her position buoy, you are generally safe, even if well inside distance. It is when you lose the adjacent ships that you are in danger yourself and a menace to others, and particularly so when part of a large disposition.

On the approach of thick weather, vessels will normally be disposed in column or a series of columns separated by a sufficient distance to avoid danger of interference.

Searchlights will be manned without signal when thick weather is encountered.

Extra fog lookouts will be stationed as required. It will usually be desirable to have at least one such lookout in the eyes of the ship and another at the highest practicable position on the foremast, besides two near the bridge and as low as possible.

Position buoys will be prepared for streaming by all vessels except submarines, when thick weather is encountered. The length of the towline should be adjusted so that the buoy will tow 10 yards ahead of the bow of the following vessel in the formation when at standard distance or the distance prescribed at the time. If one position buoy is being towed, a second position buoy will be kept ready for immediate streaming.

Bridge radio maneuvering circuits and supersonic and radio direction finders will be manned and operated as directed. The use of radio and supersonic direction finders may be of great assistance in preventing collision and in regaining contact and position.

In time of war it will not always be prudent to use searchlights, sonic depth finders, supersonic direction finders, or the whistle. The officer in tactical command should therefore issue appropriate instructions in regard to their use.

The following normal peace-time procedures for the simple formations and for the compound formations are applicable to all types of vessels except:

(a) Submarines will keep searchlights manned and ready for instant use in case of emergency.

(b) Submarines will not use position buoys.

(c) Destroyers and light mine layers will follow the procedures given unless directed otherwise by the officer in tactical command or type commander, who may direct other procedure, such as to close distance so that the stern or wake of the vessel next ahead when in column is sufficiently visible to permit maintaining station without the use of the position buoy. In this case the officer in tactical command or type commander should prescribe that position buoys will not be used and whether or not searchlights are to be used. If searchlights are to be used, he should indicate whether they will be used to illuminate the stern, wake, or elevated to such position that the searchlight beam may be used as a marker.

WHEN FORMATION IS COLUMN

Each vessel will put over a position buoy unless otherwise ordered. The position buoy will not be hauled in without previously notifying the vessel next astern unless she is clearly visible.

Each vessel will keep an after searchlight trained on her position buoy.

When the vessel next ahead is invisible, station will be kept on her position buoy. Even-numbered vessels in the column will keep this buoy abreast of their stems and to starboard at a distance of one-half the vessel's beam. Odd-numbered vessels in the column will keep this buoy in a corresponding position to port. (This formation is not column open order.) When making a change of course by head of column change, successive movement, the position buoy will be kept just ahead of the stem. If the position buoy is lost sight of, it may sometimes be located by listening for it, preferably from a position on the forecastle. If the buoy is not located, the ship ahead should be approached cautiously, while noting the bearing of her whistle and watching carefully for any indications of her wake. If a vessel believes herself considerably out of station, great care must be exercised in regaining station. If a considerable deviation from the prescribed course appears necessary, the vessel next astern should, if practicable, be informed.

When standing on a steady course, the fog whistle will be sounded by all vessels in succession, beginning with the leader. The signal will be that prescribed by the rules for preventing collisions.

When changing course by a head of column change, successive movement, routine sounding of the fog whistle to denote a vessel underway will be stopped temporarily by vessels nearing the turning point. Each vessel, as she puts over her rudder to make the ordered turn, will sound

the prescribed signal—one short blast if turning to the right or two short blasts if turning to the left.

WHEN FORMATION IS LINE

The following procedure is prescribed if vessels encounter thick weather when in line and if for any reason they are unable to form column on the approach of thick weather.

Each vessel will put over a position buoy unless otherwise ordered.

During day a forward searchlight will be kept trained in the direction of the bridge of each adjacent vessel. At night an after searchlight will be kept trained in the direction of each adjacent vessel but well abaft her bridge.

If a vessel believes herself considerably out of station, great care must be exercised in regaining station. If the location of other vessels is not known, a vessel out of position should normally steer the course of the formation.

When steaming on a steady course, the fog whistle will be sounded by all vessels in succession, beginning with the guide. The signal will be that prescribed by the rules for preventing collisions.

WHEN FORMATION IS LINE OF BEARING

The procedure prescribed for line will be followed if vessels encounter thick weather in line of bearing and if, for any reason they are unable to form column on the approach of thick weather.

If all the vessels are in column of evolution units the procedure is the same as prescribed for a simple column.

If the evolution units are in line or line of bearing, the procedure for each unit is the same as that prescribed for a simple line or line of bearing, depending upon the formation in which the unit happens to be.

WHEN FORMATION IS LINE OF EVOLUTION UNITS

If all the vessels are in line on one line of bearing, the procedure is the same as prescribed for a simple line.

If the evolution units are in column or line of bearing, the procedure for each evolution unit is the same as that prescribed for a simple column or line of bearing, depending upon the formation in which the evolution unit happens to be. In addition, each evolution unit guide will keep searchlights trained in the direction of adjacent evolution unit guides.

When formation is line of bearing of evolution units: If all the vessels are on one line of bearing, the procedure is the same as prescribed for a simple line of bearing.

If the evolution units are in column or line, or if they are on a line of bearing which is not the same as the line of bearing of the evolution unit guides, the procedure for each evolution unit is the same as that prescribed for a simple column, line, or line of bearing, depending upon the formation in which the evolution unit happens to be. In addition, each evolution unit guide will keep searchlights trained in the direction of adjacent evolution unit guides.

STATION KEEPING AT NIGHT—SHIP DARKENED

Generally speaking, keeping station at night with ship darkened is not as difficult as it would seem. It is an unusually dark night when the loom of a ship ahead, or its wake cannot be seen at normal distance. The use of a wake light, or screened speed light, makes it even easier.

The second essential is confidence or nerve to keep your ship well closed up. There is not much risk of collision with ships in sight. It is the ships that have been out of sight that are dangerous. Watch the wake of the ship ahead and estimate the distance whenever possible by position of the jackstaff light with reference to it.

Always be ready to turn on running lights in an instant and remember you have a whistle—it tells more, more quickly, than anything else.

SCREENED STERN LIGHT

When ships are darkened the only light visible on the next ahead in column should be the screened stern light which will be blued and so dimmed as not to show more than 1,000 yards in clear weather. It should also be so screened as to show not more than two points on each quarter. Rear ships do not, of course, show this light.

STEERING LIGHT

It may be possible to keep accurate distance by lining up the stern light of the next ahead with some point on our bow. There is a small steering light which ships are authorized to rig on the jack staff provided that it is so screened as to be visible only from the bridge and conning tower, and so dimmed as to be barely visible from these positions. This light should, if practicable, be placed at such height that in smooth water it will be about coincident with the screened stern light of the next ahead when viewed from the bridge at exactly standard distance. If not, we may soon determine about what angle should be subtended by these lights when our ship is at standard distance.

JUDGING THE DISTANCE

If the night be not too dark it is often possible to see the wake at the stern which together with the stern light will give a fair stadimeter reading. On very dark nights when the mass of the ship ahead cannot be made out the navigational range finder can be used unless there is too much motion of the ship. If there is sufficient light to see the mass of the ship ahead, her apparent size will probably furnish the best indication of the distance, particularly if it is possible for the officer of the deck to observe how much of the field of his binoculars is filled by her image.

AVOIDANCE OF EYE STRAIN

It is of great importance that the eyes of the bridge personnel be well adjusted to the darkness. To this end, all illumination on the bridge should be suppressed to the bare minimum, even though it is not visible from outboard. All illuminated bridge instruments should be dimmed, either electrically or by covering them with flags until the light given out by them is no more than is barely sufficient to render their readings visible. Under these circumstances, consultation of charts and papers is impossible without seriously impairing the vision for some minutes thereafter, and is to be avoided as much as possible. The officer of the deck should not, as a general rule, personally read the stadimeter. If he does so, his eyesight will be temporarily impaired and his ability to judge distance by eye will suffer.

DISTANT STATION KEEPING

The officer of the deck of a ship acting as a station unit in a fleet disposition or on similar duty, will often have to keep station at considerable distance from other units. In this case the position is generally approximate, and the ship is free to make adjustments of position with larger changes of course or speed than when in close formation.

In distant station keeping the assigned station and actual position are plotted on the maneuvering board. It is used to determine the course and speed in adjusting station. Due to considerable distance from the guide, errors in bearing develop and can be corrected rather slowly. Ranges may not be accurate.

In station keeping the officer of the deck is concerned with accurately maintaining a prescribed situation. In maneuvers he is concerned that his ship does its part in a change of situation. Handling a ship in maneuvers is probably the greatest responsibility that can be given a young officer. Its variations and ramifications extend to the ultimate object of our fleet, the destruction of the enemy.

The opportunities for officers to practice handling and maneuvering large ships are limited, and for this reason no chance for experience or information along this line should be neglected. Much can be learned by watching other officers, especially those who have gained reputations for skill in handling ships. A great deal can also be learned by watching those not so skilled and by deciding in your own mind the causes of their failure or lack of skill. Handling destroyers and smaller craft is excellent training, and an officer who has developed his judgment, confidence, and seaman's eye in destroyers is not likely to fail when it comes to handling larger ships.

In maneuvering when one movement is closely followed by the signal for the next, a ship out of position must regain it as quickly as possible by radical changes of course and speed. Until all ships are approximately in position, the signal for the next maneuver cannot be made. The importance of regaining position quickly is obvious. An alert and vigilant officer of the deck, applying the rules of station keeping, should never have his ship so badly out of position as to delay maneuvers.

In all maneuvers in formation it is of primary importance that one's own ship's movements be closely co-ordinated with those of the other ships in formation in accordance with standard tactical instructions. In distant or semi-independent maneuvers (covered later), the ship is so located (as for instance when a station unit in a widespread fleet disposition) that the primary consideration is directness and dispatch in proceeding from one position to another, and it is necessary only in a general way to consider the movements of the other units.

Assuming that an officer has the technical knowledge, combined with sufficient experience and confidence to be entrusted with the deck during maneuvers, the additional quality which will help him most is that previously emphasized, namely forehandedness.

Be alert, be prepared, try to be one jump ahead and know what is coming next. Don't let unessentials (routine and the like) divert you. When things get more active, concentrate more on handling the ship. Make the bridge keep quiet, and affect a coolness, even if you are not entirely cool inside. Always have an alert eye on near-by ships, particularly in maneuvers where, if own or adjacent ship makes an error in acting on a signal, it will be detected instantly.

Close order maneuvers include changes in speed, distance and interval, bearing, order, formation, and course—also joining and leaving formation and the emergency maneuvers. While, in general, the fleet does not attempt elaborate maneuvers in fog or darkness, changes of course and speed are frequently necessary under such unfavorable conditions.

CHANGES OF SPEED

The important rule in speed changes is to ring up the new speed immediately on the execution of the speed signal, and to be prompt and accurate with all speed indicators in use. This rule assumes you are approximately in position. Like all rules of maneuver, it should be used with the prime virtue of common sense. If you are well inside distance and are not pressed by the ship astern when an increase of speed is executed, or if you are well outside distance (from guide) and not too close to ship ahead when a decrease of speed is executed, delay the execution and change of speed indicators an appreciable interval, in order to profit by the change of speed more promptly to regain position.

In the reverse situation where you would profit by anticipating the "execute," it is impracticable to foretell when "execute" will be made. However, it is well to remember that under such conditions any small change in revolutions you may make to correct your position will be "lost" in the change of speed about to be ordered. In other words, you should make a more radical change than you otherwise would.

CHANGES OF DISTANCE

In column, changes of distance, involve only changes of speed. Whatever the change involved, execute it (telegraphs and indicators) with exactly the same snap and precision as you would a direct speed signal. Experience will teach you when to resume former speed. In general, however, you should err on the side which avoids getting behind station. After slowing to increase distance, going ahead too late is a more common error than going ahead too soon.

When in formation other than column, changes of distance involve change of course and generally of speed also. For large changes of course and speed use the maneuvering board. In practice, however, remember that as radical changes of course reduce speed, and may embarrass adjacent ships, they should be avoided if possible. As a general rule, use changes of course somewhat less than those required by an exact solution.

In changes of interval the unit will usually be maneuvered by its commander. However, your ship may be acting as a station unit, in which case select the proper combination of course and speed. This is merely another case where the officer of the deck must know his "relative movement of ships."

CHANGES OF BEARING

A change of bearing without change of distance is a common maneuver when in close formation. Though in theory a relative move-

ment problem, in practice the exact solution is so modified by the effect of advance and transfer of ships when close to each other and by lag in speed, that this maneuver as much as any other is a question of experience and judgment in speed, course, and distance. For large ships which use full speed of "one-eighth more," tables found in General Tactical Instructions give combinations of course and speed. For faster ships using full speed of "5 knots more," the problems are in theory different for each standard speed.

While there is no substitute for experience and the trained seaman's eye in these maneuvers, it is important to have a definite and sound procedure upon which to base your decision as to course and speed changes.

If there is time before the signal is executed, obtain the exact solution from the maneuvering board, then decrease the change of course as may be necessary due to your proximity to guide and effect of advance, transfer, and speed lag. The exact solution chosen should be one which preferably uses the usual speed divisions, full, two-thirds, etc., and course changes which under the circumstances can be reduced to about 30 degrees.

When pressed for time roughly visualize the required direction of relative movement. This gives the direction to change course and a basis for speed. Then estimate the change of course (erring on small side). Check the maneuver as it proceeds, using maneuvering board if time permits.

Changes of bearing and distance are relative movement problems in the solution of which you must avoid radical changes of course, especially when in close proximity to other ships.

CHANGES OF ORDER

When your ship is ordered to exchange position in formation with another ship:

(1) If in column and leader of the two ships, sheer out to the right and drop back; if the rear, sheer out to the left and go ahead. Use the whistle instantly the signal is executed to show change of course. The proper change of course for each ship is about 10 degrees.

(2) If in line or line of bearing and the left ship (with the other ship on the starboard hand) the officer of the deck is responsible for maneuvering to pass astern of the other ship before that vessel leaves her position. If the right ship, wait until the maneuvering ship has passed clear under your stern and then maneuver to the new position. In either case, use whistle and speed indicator smartly to indicate your

maneuvers and drop back only the minimum amount necessary. Only adjacent ships in line abreast are ordered to exchange positions.

The order of ships is inverted only when in column. The signal indicates on which side the rear ship will sheer out. When signal is executed, all ships (units) except the rear one immediately slow to one-third speed. The rear ship (unit) breaks the guide flag and sheers out 10 degrees on the designated side, resuming the previous course so as to pass 300 yards on the flank of the ship ahead. Each ship (unit) in succession sheers out 10 degrees as the next astern draws past her increasing speed to standard in time to pick up headway at standard distance. If not rear ship, be sure to go ahead in ample time to avoid getting behind station, and in doing so measure the distance as far up the column as possible.

CHANGE OF FORMATION

In addition to changes of formation by changes of bearing, course, or distance, there are many standard and special formations, designed to meet the requirements of certain operations, types of ships, etc. The order to take one of these formations from the formation then in often involves maneuvers specially designed to meet existing conditions and definitely set forth in appropriate tactical instructions. Maneuvers of the battle line and of destroyer squadrons are examples of this class of maneuvers.

As regards the officer of the deck under such conditions, he must know the maneuvers involved and must have at hand the publication which governs in order to check it. To emphasize by repetition: The officer of the deck must know thoroughly the tactical instructions for his type of ship.

CHANGES OF COURSE

The most common maneuver, but not always the simplest, is a change of course. For fleet dispositions and compound formations, a change of course may be a rather complicated maneuver, but for the officer of the deck, such maneuvers, while sometimes involving a change of speed as well as of course, generally reduce themselves to either a simultaneous change of course (by turn pennant) or successive changes of course (column movements) by course pennant. A variation comes occasionally in ripple movements in which special instructions govern the manner of making the change of course.

Simultaneous changes of course are frequent, both in meeting maneuvering requirements of the fleet and as training in ship handling. With homogenous ships in good position, the important thing is to be exact in executing the signal, in handling the rudder, and in steadying on the

new course. If guide, order the rudder put over when the signal itself is executed, not when the order to execute is given, and be careful to handle the rudder in accordance with standard procedure. If ships are not homogenous, be sure to use all information you have as to tactical qualities of the ship in comparison with those of the guide and other ships in formation. In all turns check the bearing of the guide as the turn progresses, with a view to detecting promptly any tendency to gain or lose bearing.

In practice, ships do not maintain perfect position, particularly when making frequent simultaneous turns. Know how to adjust the handling of "a turn" to improve position. This is largely a question of experience in visualizing the situation and looking ahead. Of course, any such adjustment must consider adjacent ships on both sides. The situations are many, but, for example:

In column. For a turn of 90 degrees to the right, if behind and somewhat to the right of position, a small delay in executing the turn improves the position. On the other hand, if you are about correct in bearing but inside distance, use a little more than normal rudder, put it over rapidly, and "meet her" a little late, but with more rudder, you will tend to better your position.

In line. For a turn of say 60 degrees to the left if inside distance from the ship on your left, but behind bearing, a small delay in execution or the use of a little less rudder will tend to correct position.

In line of bearing. If the turn is "through column" to another line of bearing, and if behind bearing before the turn the ship will be ahead of bearing after the turn. If the start of the turn is made with little rudder and finish with hard rudder, position will be improved. If ahead of bearing when beginning the turn, reverse the procedure to regain position.

There are dangerous possibilities when maneuvering with simultaneous turns, which demand that the officer of the deck be especially vigilant concerning adjacent ships. As long as ships attempt the correct turns, there is generally not much danger of collision, but every now and then when in line or line of bearing some ship will start to turn, or at least start the rudder in the wrong direction. This gives the perfect set up for a collision. So never forget these rules:

(1) Check and recheck your interpretation of turn pennant signals—if pennant is above numeral, turn is to right; if below, it is left.

CHANGES OF COURSE IN SUCCESSION (COLUMN MOVEMENT)

One of the most common maneuvers is a change of course when in column, ships turning in succession.

If guide, be sure to follow exactly the standard procedure for handling the rudder, and if equipped with turn indicators, indicate to engine-room that ship is making a turn.

Remember the use of the whistle in these changes of course. During good visibility, if making a turn of more than 20 degrees without previous signal, the column leader sounds the whistle simultaneously with putting over the rudder—one short blast if turning to starboard and two short blasts if turning to port. At night or in a fog, these whistle signals are made for all turns, whether with or without previous signals, and they are repeated by each ship in succession as she puts over her rudder.

In its normal form this maneuver involves turning accurately in the same water as the ship ahead, it being assumed that the ship ahead is in proper alignment with the head of the column so that when the ship turns accurately she likewise will be directly astern of the guide. In practice these conditions do not always exist, and particularly in a long column there may be a sagging away at the turning point, due to cumulative errors of ships in turning slightly outside. Then, too, the ship just ahead may turn too soon or too late. In all these latter cases, the problem is not to turn in the same water as the ship ahead, but to turn at a point which will place the ship astern of the guide after the turn, it being assumed, of course, that the officer of the deck duly considers the safety of his ship and adjacent ships in any turn he makes.

APPROACHING THE TURNING POINT

When approaching the turning point of the next ahead, be careful to steer the exact course. The stern of the next ahead, when it starts to turn, will appear to be thrown out, and the inexperienced steersman will have a tendency to steer out after it. If he does so, the ship will be outside and behind on the turn. It is important that the ship should reach the turning point, not only in correct position but well steadied on her course. If, at the instant the rudder is put over, the ship has already a slight sheer one way or another, the effect of the rudder will be noticeably accelerated or retarded, and the ship will depart materially from her normal turning circle. The ship ahead will lose speed on her turn, and it may appear advisable to reduce speed. However, if this is not necessary, the ship ahead will pick up her speed immediately on finishing the turn while the next ship making the turn will be slowed down the same amount.

TO TURN IN THE SAME WATER AS SHIP AHEAD

As the turning point is approached, it will generally be possible to judge whether or not the ship ahead is making an accurate turn. If so, attempt to turn in the same water.

During daylight, the exact moment at which to put over the rudder is best determined by eye as a result of previous experience. The ship ahead will leave a kick or swirl in the water at the point at which her rudder was put over. Sometimes this is difficult to see, particularly if the speed is low and the rudder angle small. Special care must be taken in watching for this kick when the visibility is poor or when there is a sun glare on the water ahead. From the kick the wake of the next ahead gradually builds up in the form of a line of white froth, extending in a broad curve around to her stern. In cases where the actual kick is barely distinguishable, it may frequently be identified by this white water.

If the turning point has been correctly approached, the kick of the next ahead will be observed slightly on your bow. When it reaches a predetermined position abreast the ship, usually a trifle abaft the stem, the order to put over the rudder should be given. The exact point varies for individual ships and is determined by an examination of their tactical characteristics and experience.

OBSERVATIONS WHILE TURNING

After the rudder is put over, the ship will usually continue to forge ahead without turning appreciably, for about a ship's length. Then, if the turn has been correctly timed, she will follow around, leaving the wake of the next ahead about half of the ship's beam on the outboard bow. After she starts to turn, the point where the wake of the next ahead cuts the jack staff may be observed. In smooth water, if this point draws downward, the ship is going outside and will need more rudder. If it tends to rise, the ship is turning inside and the rudder should be promptly eased a trifle.

The rudder, once put over, should not be altered unless in so doing it will improve the turn or position without in any way embarrassing the adjacent ships. If altering the rudder during the turn may interfere with adjacent ships, complete the turn and correct the position later.

STEADYING AFTER TURN

As the end of the turn is approached, the rudder should be so handled that the ship is steadied on the new course which, if the maneuver is correctly executed, will place her on the proper bearing astern of the leader. If there are several ships ahead, it will be easy to judge the proper point by eye. It is unseaman-like and may be dangerous to permit the ship to swing beyond the correct course and to have to bring her back again. If the course of the column leader is unsteady, such an error may be avoided by taking true bearings on her during the latter part of the turn and steadying up when she bears the same as the signaled course.

ALTERATIONS OF SPEED DURING A TURN

The revolutions of the engines should ordinarily not be altered during a turn in formation, as the inboard and outboard engines will be running at different speeds, and accurate changes of a few revolutions are impracticable.

However, do not hesitate to make radical changes of speed on one or all engines, to meet an emergency or to improve the turn or position when in so doing it does not embarrass adjacent ships.

TURNING INSIDE

If the ship turns inside, she will gain distance on the next ahead, due to her having "cut the corner." If the rudder is eased, this will cause her to gain distance still more. Easing the rudder is, therefore, permissible only when the distance from the next ahead is such that these factors will not cause the ships to come dangerously close. A common error in such cases is to ease the rudder too much, with the result that the ship crosses the wake of the next ahead and goes outside. This is avoided by watching closely for the first indications of turning inside and by promptly easing the rudder a sufficient amount to check the rate of swing. As soon as this effect has been produced, the rudder should ordinarily be again put over to the standard amount.

The only really dangerous situation in turns arises when you are somewhat too close to the ship ahead and are caught inside on a large turn. The moment comes when one must choose between more rudder, continuing the turn safely inside by slowing, stopping or even backing the inboard engine if necessary—or the alternative of easing the rudder and getting safely under the stern of the ship ahead, and outside her wake. In this situation, resolve any doubts in favor of continuing to turn inside, it is safer and eventually regains position quicker. If late in easing the rudder to get outside, the ship may shoot ahead while the bow is still inside the stern of the ship ahead, with possibilities of collision.

TURNING OUTSIDE

If the rudder is put over a trifle too late, turning outside may still sometimes be avoided by the use of more than standard rudder. The ship will have a longer path to travel and the use of a large rudder angle will slow her speed and the screw current of the ship ahead on your bow will tend to retard your turning. If you began the turn somewhat close to the ship ahead, this may improve your position. But if in position or behind, on starting the turn you will drop back and possibly embarrass the next astern. In this situation you should either avoid using full rudder or be prepared to make full speed on the outboard engine.

A vessel whose bow has crossed the wake of the column leader shall take effective steps to avoid swinging beyond the new course and shall steer parallel to the column without attempting to edge in to her position until her next astern shall have completed her turn.

This rule is mandatory at all times and is necessary to avoid danger of collision. The ship in question will have traversed a longer track than a standard one, and her speed will have been reduced both by the use of excessive rudder and by encountering the resistance of the wake current of the next ahead on her inner bow. Should she now attempt to sheer into column, she will throw herself across the bow of the next astern, resulting in collision or in forcing that vessel to take drastic steps to avoid her. This will cause the ship astern to turn inside of her correct track, with the possibility that the remaining ships of the column will be thrown into confusion. A ship which has turned outside should increase her speed so that she may draw abreast of her proper position and be ready to sheer in promptly when the next astern has completed her turn.

TURNING AT NIGHT OR IN FOG

At night or in a fog, each ship sounds her whistle when the rudder is put over. The officer of the deck should have informed himself of the number of seconds which the ship will require to traverse the distance to the next ahead at the speed which is being made, and should note the time of the whistle of the next ahead. If at the expiration of this time interval he has been unable to make out any appearance of the wake of the next ahead which would cause him to alter his judgment, he should turn at this time, taking care that the proper blasts are sounded at the instant that the rudder is put over.

TURNING ON TIME

The above method of turning on a time interval is sometimes used during daylight, but it is not recommended if the wake of the next ahead can be seen. Though it is theoretically accurate, practically there are always some points such as variation from the exact standard distance, irregularities of speed, etc., which have not been taken into consideration in the computation. The "time" method seldom gives the best results in daylight. Its use substitutes computation for nautical judgment and thus retards development of this quality. It may be used as a check by inexperienced officers, but should not be relied upon after experience in turning by eye has been gained.

COUNTER-MARCHING

If the turn to be made is 120 degrees or more, it is particularly necessary that the wake of the next ahead should be followed accurately. Turning inside will cause the distance from the next ahead to

be reduced rapidly, frequently to such an extent as to cause danger of collision. It is, therefore, of great importance, that the rudder not be put over prematurely. If it is seen early in the turn that the ship is going to turn inside, the rudder may perhaps be eased and the turn corrected in time. However, if the bow of the ship gets pointed inside of the stern of the next ahead, it will usually be impossible to ease the rudder, as this would cause the ship to pick up speed and the distance to the next ahead will already be too close for comfort. In this case the rudder must be put hard over, stopping the inboard engine if necessary, or in extreme cases, backing full on one or both engines. As soon as collision with the next ahead has been avoided, consideration must be given to the ship astern. For this reason it is highly undesirable to stop or back engines unless strictly necessary, and it is better, if possible, to turn sharp to a position on the inner beam or quarter of the next ahead, taking a parallel course and reducing speed gradually to drop back into position.

If the turn is started too late and the bow crosses the wake of the ship ahead, it will generally be impracticable to bring the ship back without jamming up the next astern, which must be avoided at all costs. In this case it is best to take full speed immediately and to follow around parallel to the wake of the next ahead but just outside of it.

TO TURN AFTER A SHIP TURNING BADLY

Under some conditions, particularly in low visibility, it is not possible to determine how the ship ahead turned with reference to the column ahead of her. In such case the officer of the deck can only do his best to follow accurately the turn of the ship ahead. Under favorable conditions, however, it may be possible to see that the ship ahead definitely turned too soon or too late, or it may be apparent that there is an accumulation of small errors (almost invariably outside errors) which has moved the turning point considerably beyond where it should be.

In either case the officer of the deck should boldly make his estimate of the correct turning point to bring him dead astern of the guide, and should make the turn accordingly, without regard to the other ships, except, of course, the ever-present consideration of safety. A well executed corrective turn of this kind will often save the officer of the deck and all astern of him much trouble in regaining position. It may sometime bring a "well done."

As in other maneuvers the turn in succession may often be used to advantage in correcting one's position. When well behind station, boldly, "cut the corner." If too close, be sure not to turn too soon, but to turn a bit outside with hard rudder.

In addition to the normal maneuvers in formation, which concern changes in speed, distance, bearing, order, formation, and course, there

are other situations which require that the officer of the deck handle his ship in close co-ordination with other ships of the formation. Such maneuvers include forming up, joining and leaving formation, coming within hail, and the emergencies of sighting submarines, breakdown, and man overboard.

FORMING UP

When a group of ships not in formation is ordered to take formation, natural order and standard distance will be assumed unless signaled to the contrary. The ship which is to be the guide breaks the guide flag and assumes the prescribed course and speed. Other vessels take position with alacrity. The *Rules of the Road* apply between ships which have not yet reached their positions, but these should so direct their courses as not to interfere with ships which are already in position.

JOINING A COLUMN FORMATION

A ship joining a column from an initial position other than nearly astern of the column should take course and speed so that, after turning approximately to the guide's course, she will be about 300 yards (for large ships) abreast her position in column. From this position she may then sheer into column. Where a large change of course is involved in "rounding up," this margin of safety should be 400 or 500 yards.

The maneuvering board or equivalent device should be employed for selecting proper combination of course and speed, and for plotting successive positions of the ship in relation to the ship ahead of her new position.

In joining a formation other than column, the problem must be solved under the special circumstances obtaining, having regard for the following principles:

(a) The ship should be brought smartly into her position.
(b) The ships already in formation must not be interfered with.
(c) Speed must be picked up in ample time to prevent straggling.

In leaving formation in accordance with orders, if there is no other reason for turning one way rather than the other, turn in accordance with your number in column, otherwise turn in most convenient and expeditious direction for carrying out your orders or plans. In all cases use whistle and make a definite change of course. The officer of the deck makes a good impression for smartness if he blows the whistle and sheers out the instant the signal releasing or detaching the ship is executed.

In coming within hail, or otherwise approaching a ship in formation to communicate orally or by boat, the ship is in a better position if she is kept approximately on parallel headings but with the stern well clear so she can back.

Destroyers have to deliver and receive mail from large ships in formation under way. With a battleship at 6 knots, a destroyer on the same course can confidently place her bow close under the large ship's quarter and exchange mail by line. The screw current of the large ship will safely hold off the destroyer's bow.

In the modern fleet disposition, the station units, are generally at considerable distance from the guide and often from each other. As a result the officer of the deck is concerned with a type of maneuver considerably different from maneuvers in close formation.

Fleet maneuvers involve changes of course or speed, changes of front, changes of axis, and changes of formation (including deployments).

The officer of the deck of a ship acting as a station unit must be familiar with the *General Tactical Instructions* as regards fleet maneuvers, in order that he may properly and promptly decide how the maneuver concerns his ship. The maneuver may be merely a change in fleet speed, or a change of course by station units, but more often it will involve a change of position for your ship. In this case he is confronted with what may be termed a semi-independent maneuver, in that the responsibility is his without concern for other ships in close formation with him, and he must conduct his ship to its new position by the most direct and expeditious method, having due regard for other station units likewise proceeding to their new positions. Under such circumstances the maneuver is a maneuvering board or relative movement problem and the speed and accuracy with which he produces his solution is largely his record for that watch. In many fleet maneuver problems, the solution requires the time for the maneuver as well as course and speed, since his arrival at his new position can be checked only by elapsed time.

When in a fleet disposition or other large scale formation, the officer of the deck must always keep at hand, on the maneuvering board a sketch of the fleet disposition with the fleet guide at the center, indicating general position of other units and your position, actual and assigned. As soon as a maneuver involving a change of position is received, he plots the new position and the true direction of his required relative movement to get there. He determines the best available course and speed to bring him to his new position. Then he determines the time to reach his position and unless he has better position data, he resumes fleet course and speed on the basis of elapsed time.

In maneuvers of this kind it often happens that he is not free to proceed by the direct relative movement line to his new position. It may be necessary to choose a course to clear intervening vessels, and having done so to take the relative movement line from that point to his new position. The situation occurs frequently in the case of destroyers and cruisers which must not interfere with the battleships or carrier units.

Where there are intervening vessels to be cleared, the relative movement line is the true bearing of a point safely clear of the unit to be cleared.

There is another type of independent maneuver for which the officer of the deck, may be responsible. His ship may be assigned as a target, as a constructive unit, as a radio calibration vessel, or otherwise, so that his movements will meet certain conditions as to distance, relative movement, etc., with reference to some base unit. Here again he must know the relative movement of ships, and be entirely familiar with the maneuvering board.

Chapter 7

THE SHIP AT ANCHOR

SEC. 1. THE OFFICER OF THE DECK AT ANCHOR

In the Navy as now operated, a junior officer generally will stand more watches as junior officer of the watch or officer of the deck at anchor than he will under way. At sea, the primary consideration is safety of the ship. At anchor, the safety of the ship is not as pressing a matter of concern. Watch keeping, therefore develops into an untiring attention to countless details, which in themselves may not be vital but which keep a ship smart, happy, and in accord with naval traditions.

Complete knowledge of and rigid adherence to the policies of the captain and executive officer and due consideration to the comfort and contentment of others are essential for successful completion of a watch. A junior officer was suspended from duty for permitting the fire room to blow tubes when the admiral was on the quarter-deck. This is a perfect illustration of why the engineers must ask permission of the officers of the deck to blow tubes, and why he must exercise intelligence in handling a routine request. Every request that he handles is a potential trouble maker if not properly decided. Do not blow tubes if the wind conditions are such that the soot will go all over the top side.

When an officer takes over the deck at anchor, there exists a small organization that is on duty to assist him in performing his duties—much smaller than that at sea. He must know this organization, what the duty of each member of it is, its possibilities and its limitations.

ORGANIZATION OF WATCH

Junior officer of the watch (*Not* junior officer of the *deck*.)
Boatswain's mate
Quartermaster
Messenger (0800 to 2000)
Side boys (0800 to sunset, except during meal hours)
Duty division (reveille to 2100)
Duty boats
At night—Anchor watch (2100 to reveille)
Police petty officer

Just as junior officers are permitted to stand officer of the deck watch at anchor before they are permitted to do so at sea, so comparatively untrained enlisted men are placed on watch in port. The officer of the

deck must patiently instruct his subordinates in their duties and what he requires of them. They will soon meet his standard of performance of duty if he lets them know what it is. In instructing them, he must be careful to use the proper phraseology. Enlisted men do not know as much regarding this as officers.

SAFETY OF OWN SHIP

It is only on rare occasions that the safety of a ship at anchor comes into question, but at all times the officer of the deck should be able to meet the emergency. When a ship anchors in a roadstead or a harbor, the amount of chain out is set by the captain. Weather conditions may change and what is perfectly adequate for favorable weather may be inadequate for bad. If the weather changes rapidly for the worse, the officer of the deck should notify the boatswain or his senior assistant aboard to stand by to veer chain. Another anchor must be ready for letting go. Bearings or ranges that can be verified from the quarter-deck are most important to the officer of the deck and should be noted when first taking over—not after a squall or blow has started.

When the gassing of any plane or boat takes place within range of vision, the officer of the deck must insist on the observance of safety precautions. Enlisted men are always taking chances and getting them to observe safety precautions is difficult. Better a cautionary word when necessary than trying to explain away a casualty after it happens.

Standing orders exist on the loading of all boats. The plate in the boat gives the capacity. The officer of the deck should not take a chance getting a large liberty party off a ship or a large number of visitors ashore by exceeding the limiting capacity. The coxswain expects the officer of the deck to have them counted as they get in the boat. The messenger, quartermaster, or someone else should be detailed for this. When life jackets are required, do not shove a boat off unless they are actually on hand and, if being worn, tie-ties secured. Insist on manropes where needed for safety. Some years ago a commanding officer walked into an open hatch and was killed in the subsequent fall.

When sending boats for stores, be sure that necessary tarpaulins are in the boat, in case of rain or choppy weather.

When relieving the deck at anchor, it is good practice for a young officer to use a check-off list which should include:

(1) Position of the ship. If at anchor, the berth number, the bearings from the berth, the amount of chain out and the depth of water. If moored alongside a dock, the lines in use and the number of the berth.

(2) Boilers in use for auxiliary purposes.

(3) Boats in the water including location of each.

(4) Senior officer present and other ships present.

(5) Name of ship having the guard and (or) medical guard.

(6) Location (ashore or on board) of flag officer, captain, and executive officer.

(7) Name of head of department with the duty.

(8) Number of men on shore on liberty.

(9) Number of men, if any, on working parties away from the ship.

(10) Number of visitors, if any, on board.

(11) Any unexecuted orders.

(12) Daily work sheet or morning order book.

(13) Identity and condition of life boat.

(14) Location of anchor watch, police petty officer, side boys, guard and band.

SMARTNESS OF SHIP

The limits of the quarter-deck are set forth in Ship's Orders or the Organization Book. See that the quarterdeck is kept clear of men not authorized to be there. Have it swept down as often as necessary to keep it clean. From time to time have the junior officer of the watch or a reliable (chief) petty officer inspect for lines hanging over the side, clothes hanging out of air ports, rags or toilet paper on the propeller guards, people out of uniform on the weather decks, etc.

Every flagship at sea or in port in company with other ships shall carry two white lights in a horizontal line 6 feet apart half way up on the after side of the mainmast when the flag officer is on board.

The officer of the deck shall see that boats are in shipshape condition at the boom. He should see that all lines are faked or flemished down as best suited and keep a weather eye out for Irish pennants, men out of uniform, clothes lines triced up, with blues and whites properly spotted in, boat cranes trained fore and aft, etc. Boats in the water should be secured with bow and stern lines at night.

COMFORT AND CONTENTMENT OF CREW

When there is going to be a large liberty party, have enough boats ready so that all can leave by the designated time. Try to have all clear of ship so that last boat can shove off on the bell. In foreign ports, hours of liberty are generally short and every 15 minutes or so counts to the men.

Make an inspection of the crew that is worth while. Don't let them go over the side in clothes with tears or spots on them. Ninety-eight per cent of the men are all that one could ask for regarding their clothing. Making the other 2 per cent conform will receive the backing of the 98 per cent.

Be careful to notify galley so that working parties, special messengers or boat crews away from the ship for meals will be able to get a full ration and a hot one on their return to the ship. It is necessary to notify

the police petty officer as well as the commissary steward. Good food goes to make a happy ship and anything the officer of the deck can do to see that the crew is protected from interference while eating will help the ship.

When swimming call is permissible, be sure to have it. Have sufficient boats, and life rings with lines at various places on deck. Caution swimmers to remain near ship.

When a new draft of men comes aboard, see that they are handled smartly and prompt arrangements made for their messing through the chief police petty officer if near meal hours. A little consideration for them will make them glad to join the ship's company.

When men are unavoidably absent during issue of regular monthly money by paymaster, make an effort to have them paid as promptly as possible upon return.

ROUTINE

Most ships have a rather complete routine with a time orderly detailed to assist the officer of the deck and junior officer of the watch to carry out the routine. The time orderly is not a bell ringer, but an active assistant who, with a complete routine to work with can be of considerable help to the officer of the deck.

The officer of the deck can be of great assistance to the first lieutenant and division officers during the morning watch by seeing that the morning orders are carried out. Particularly is it important that the side cleaners be over the side promptly as their work has to be completed by 0800 in most divisions or special permission has to be obtained from the flagship—or if acting singly, from commanding officer to have them over after 0800.

When a change of uniform is to be made, be sure that the word gets to the officers' stewards, who should be directed to have all mess boys tell the officers when calling them. Police petty officers and sergeant of marines also should be notified.

If bedding is to be aired—usually Mondays and Thursdays, have police petty officers topside to supervise. One officer from each division is generally required to inspect nettings and bedding for cleanliness of blankets, covers, etc.

The officer of the deck and junior officer of the watch must keep the Roster Board up to date for their own information and that of their reliefs. Some one may come aboard looking for an officer and it is most embarrassing not to know or to be able to find out immediately whether or not he is aboard.

The shore patrol must be landed promptly on time after a rigid inspection as to clothing and equipment. In case of threatening weather they should be provided with ponchos.

Inspect all packages brought aboard by crew, particularly if they are

of such size that they could contain liquor. Have a police petty officer at the gangway when liberty boats return just in case a man needs to be confined for safe-keeping.

Hoist aboard before sunset all boats not needed for the night trips, for if the weather turns bad during the night it will save the officer who has the mid watch a great deal of worry. Be sure that the boatswain's mate in charge of the boat deck is there to supervise the job.

Keep the captain and executive officer informed of all unusual happenings. The officer of the deck is the captain's representative and he wants to know what is going on in his ship. Much experience in a hundred years of watch keeping has dictated the reports required so don't try to change the custom. The captain has been to sea many years and he expects these reports as much as he expects to hear the bells struck. Don't fail to satisfy.

SMOKING

The officer of the deck must be familiar with the smoking regulations and see that they are enforced. In general, smoking is prohibited —(1) during working hours, (2) in magazines, store-rooms and machinery spaces, (3) in sleeping compartments at night, (4) on the weather decks when the ship is darkened, (5) by personnel on watch, (6) when the ship is handling fuel or ammunition, (7) in the vicinity of boats or planes being gassed, and (8) paint locker and paint mixing room.

DISPOSAL OF GARBAGE AND TRASH

When a ship is at anchor in port, all burnable refuse is sent to the incinerator if the ship has one. Ships not having incinerators dispose of refuse to garbage lighters which come alongside. No refuse is permitted to be thrown overboard.

If the vessel is moored alongside a dock, the refuse is deposited in containers on or near the dock. Usually, tin cans and unburnable material are placed in separate containers from garbage, and wood and paper are put in a third set of containers.

HAILS TO BOATS AT NIGHT

The officer of the deck must insist on the quartermaster using a megaphone to hail boats after dark. The officer of the deck will save himself many embarrassments if he does so. Without a megaphone, the coxswains can't hear because of the noise of the running engines. If the coxswain doesn't reply, let him know that when he makes his next trip he is to keep his ears cocked for it.

HAILS ARE AS FOLLOWS

Senior officer or official in the boat	Reply to hail
President, Vice president	"United States"
Secretary, Under Secretary, Assistant Secretary of the Navy	"Navy"
Commander in Chief of a fleet	"Fleet"
Type and Unit commanders	Give abbreviated organization name as authorized by Communication Instructions for use in despatches.
Chief of staff	". . . . Staff" Giving name of unit as above
Captain of a ship	"....." Giving name of ship
Other commissioned officers	"Aye Aye"
Midshipmen and warrant officers	"No No"
Enlisted men and marines	"Hello"
Boat not going alongside	"Passing"

Note: The hails are given in article 269, Navy Regulations.

The officer of the deck shall require all persons over whom he has authority to report to him or his representative upon leaving the ship, stating that they have permission to do so, and also to report their return on board.

The absence from the gangway of an officer of the watch, at the time of the departure or return of any officer, is not to be construed by the latter as a sufficient reason for omitting this report.

The officer of the deck shall report to the executive officer the departure and return of all officers senior to that officer.

Whenever it may be necessary to turn over the engines by power when the ship is not under way, the officer of the deck shall first obtain permission to do so from the commanding officer, and shall station a competent person at the engine-room telegraph to give the necessary signals, taking every precaution against accident.

When at anchor in a strong tideway, or with a strong wind blowing, the officer of the deck shall keep a drift lead over the side and, if possible, observe a range on shore, and take all other precautions necessary to ascertain at once if the ship drags.

In port the officer of the deck shall wear gloves and carry a spyglass or binocular.

The officer of the deck shall see that all officials who come on board or leave the ship receive the side honors to which they are entitled.

He shall see that all persons coming alongside or visiting the ship are courteously treated.

Unless prevented by urgent duty, he shall be at the gangway to receive, and shall accompany to the side, all commissioned officers or distinguished visitors. When so prevented, he shall send a junior officer of the watch to represent him.

SEC. 2. THE DECK LOG

The log is the only complete official record of the ship during her commission. It is imperative that the log be not only complete, but also accurate and clear. Because of many routine inspections required to be entered in the log, it also serves as an important check on their being made. The officer of the deck, is responsible for the accuracy and completeness of all entries, by whomsoever made.

Upon completing his watch at sea or in port, it is the duty of the officer of the deck to write up the remarks in the deck log, verify the columns, and sign his name. Writing the remarks must not be deferred, but must be done while the events of the watch are fresh in the memory of the officer having the duty. It is better to enter events as they occur so that nothing remains to be done at the end of the watch but to verify the columns and sign the remarks. It is required that the ship's log shall be a careful, detailed, and accurate record of current events. It is frequently used as evidence before courts and boards and it is consulted in many cases which have come up years later, such as requests for pensions. The smooth log is the ship's official log book and is a correct and certified copy of the rough deck log. Therefore, officers should take pains to collect all the data required and to enter them in the deck log, using the proper phraseology.

The navigating officer has charge of the preparation of the log. By the regulations he is required to carefully examine the deck log book to see that it is prepared in accordance with instructions and to call the attention of watch officers to any inaccuracies or omissions in their entries. The navigator is responsible to the commanding officer that the entries in the log are in proper form, but the officer of the deck is responsible for the entries during his watch and, unless directed by orders of the commanding officer, he is not compelled to make changes in any entry he may have made.

The regulations require that the smooth log shall be signed by the watch officers and the navigator and submitted to the commanding officer for his approval daily. The navigator, generally through his yeoman, notifies the officers that the log is ready for signature and the place where it may be found. All officers having watches should sign the smooth log before noon.

The rough deck log should always be written and signed before leaving the deck. It should never be taken from the deck except to be copied ("Turn to" in the morning watch is a good time for this) or when requested by the navigator or called for by the executive or commanding officer.

Detailed instructions for keeping the rough deck log are contained in the first five pages of that book (N. Nav. 330). They include complete extracts from the Navy Regulations and Bureau of Naval Personnel Manual relative to the log.

The officer of the deck from time to time should check up on wind and conditions of sea entries. The tendency of inexperienced quartermasters is to underestimate following winds and seas and to log the relative instead of the true winds. As much of this is used by the Hydrographic office in preparation of wind and weather charts, it is desirable that it be correct. Also if weather gets bad it is desirable that a correct record of the previous weather be in the log for reference, so that the storm's path may be determined and if desirable avoided. Regular reports are made by ships at sea to the Hydrographic Office and it is on these reports that weather forecasts are based. The weather forecasts can be no better than the data they are based on.

The visibility is the distance a bright light or prominent object can be seen in a horizontal direction. When this becomes less than 4000 yards the entry in the log becomes most important. All lookouts, bridge watch, and officers on the bridge must be alert. In case of collision this entry may be vital evidence. Important happenings should be written up on a piece of paper and submitted to all concerned for accuracy before entering in the rough log. Do not be in too great a hurry to write up the rough log under these conditions. The rough log is the instrument used by the courts. It must have no errors in it.

The following are various incidents which frequently arise with the corresponding action which should be taken by the officer of the deck in each case:

Operation	What to do
	AFIRM is displayed at the foretruck to indicate the progress of ships of a formation in carrying out the operation as indicated.

	At the dip	*Two-blocked*	*Hauled down*
Getting under way.	Hove short	Anchor aweigh	Ready to proceed
Mooring in formation.	First anchor let go	Second anchor let go	Mooring shackle on and chain secured.

Ammunition comes aboard.	Report to captain, executive officer, and gunnery officer. Notify gunner or chief gunner. Order chief police petty officer and corporal of the guard to put out smoking lamp and extinguish unauthorized lights and fires. Hoist BAKER. Log fully amount taken, kind of shell, number of charges of each index, from whence received, by what authority, etc.
Ammunition is sent from the ship.	Report to captain and executive officer. Haul down powder flag after ammunition is off ship. Cover ammunition with tarpaulin when on deck for any length of time and in transit. Display BAKER in bows of all boats carrying ammunition. See memorandum receipts on tug, before she shoves off; get them from gunnery office. Log fully (see above).
Barge, oil, coming alongside.	Report to captain, executive officer, and engineer officer. Notify boatswain. Make preparations to receive. See side is cleared. Hoist AFIRM. See properly placed, and from whence received. Hoist BAKER when fueling commences. Take draft of ship and barge before and after fueling.
Boats crew away during meals.	Order commissary steward, chief police petty officer, and ship's cook to save hot meals for them.
Boats, heavy, to be hoisted out or in.	Notify boatswain, or chief boatswain's mate of boat deck. Allow only certain skilled men to operate cranes.

Bunker or magazine fire alarm sounds.	Sound fire call. Investigate at once, notify gunnery officer and engineering officer. Notify engine-room and gunner. Report results to captain and executive officer.
Captain or executive leaves or returns to ship.	Notify next junior line officer. In daytime hoist absentee pennant when captain leaves and haul it down upon his return.
Chain cable parts.	Let go another anchor immediately. Buoy position of lost anchor at once, if not already done. Notify captain, executive officer, first lieutenant and boatswain.
Change of course in accordance with previous orders.	Get captain's permission if he is on bridge; if not, change as directed, then report the change and the time to captain and navigator at once.
Change of course or speed—emergency.	Make necessary change, then report to captain change made and necessity therefor. Report similarly when back on original course or speed.
An officer's boat approaches, flying pennant. (Peace time.)	Notify captain and executive officer. Call guard of day and four side boys, unless visiting officer is of rank of lieutenant commander, then two boys only. Render prescribed honors when he comes on board.
Draft comes on board.	Report to captain and executive officer. Notify commissary steward, supply officer, and chief police officer. Send to executive officer's yeoman for assignments to divisions. Log names, rates, from where received and whether bags, hammocks, and necessary papers were also received.
Fire.	Sound general alarm. Ring ship's bell rapidly, followed by a number of strokes to indicate location. Bugler sounds "to fire quarters." Boatswain's mate passes word as to location of fire. Send word to engine-room. Notify captain and executive officer.

Flag officer's boat approaches, flag flying. (Peace time.)	Call *full guard* and band. Have side boys, to which visitor is entitled, ready. Notify captain and executive officer. Render prescribed honors on arrival and departure.
Flag officer *passes* close aboard in boat, flying flag. (Peace time.)	Call *guard of day* and band. Render honors as prescribed when he passes.
Fog comes up. (Peace time.)	In port: Notify captain. Set watch on ship's bell to sound fog signal. Under way: Notify captain. Start fog signal. Station additional lookouts. Close all watertight doors not necessary for communication. If in formation, get over position buoy and train searchlight on it. Get signal gun ready, ammunition up and gunner's mate on watch with it. Sound fog signal after ship ahead.
Food, enlisted man complains of.	Send for commissary steward and messman, investigate.
Liberty party to leave.	Pass word for liberty party to fall in. Inspect for uniform. Embark in boats, but do not overload. Police petty officer inspects cards as they go over the side. Inform party at what hour and place liberty expires.
Man-of-war passes close aboard. (Peace time.)	Call guard of the day and band. When ships overlap sound attention; guard presents arms; band plays national anthem; hand salute by every one in sight on deck during anthem; order arms; carry on. Above done if ship is going on or has been on detached duty or is a foreign man-of-war. National anthem of passing vessel played. Report to captain.
Oil-burning ship to be fueled.	Run up BAKER at foretruck. Engineer's force connect up flexible pipe, open filling valves to oil bottoms, etc. Out smoking lamp. Take draft before and after fueling and log amount fuel received.

Provisions, fresh, come on board for general mess.	Send for medical officer or the junior medical officer to inspect for quality. Have supply officer or his representatives inspect them as to weights. Log amounts, contractor, weights of various provisions received, and names of inspecting officers.
Ship drags her anchor.	Report to captain and executive officer. Notify boatswain. Get steam on anchor engine and man to operate it. Veer chain. Stand by the other anchor and let go if necessary, veering chain on the anchor already down. In extreme cases ship will get under way.
Ship in danger of dragging her anchor.	Get range on shore. Get good compass bearings of objects on shore. Get two marks on opposite sides of the ship in line with an object on shore. Feel chain for tremors. Keep alert for jarring of ship when starting to drag. Stand by to veer chain and let go another anchor. Get up steam and prepare to get underway if conditions warrant.
Stores, commissary, come aboard.	Notify executive officer, commissary officer and steward. If fresh provisions, notify medical officer or his representative, who inspects for quality. Supply officer or his representative inspects for quantity. Log fully, including amount, kind, from whom received, and names of inspecting officers.
Inebriate, enlisted man comes aboard.	Report to commanding officer and get permission to place man under sentry's charge for safe keeping. Log. Report to executive officer and commanding officer when done. If late at night, confine him and report in the morning. Have medical officer examine man before confining him. He may have been drugged or be suffering from an illness having the appearance of drunkenness.

Chapter 8

HONORS*

SEC. 1. PERSONAL CONDUCT

Honors and ceremonies are based on a long established code of custom, agreement, and regulations, which in general are common to all navies. With a few important exceptions, these honors and ceremonies occur in port, and the manner in which they are rendered or carried out under the supervision of the officer of the deck does much to make for smartness. When rendering honors and ceremonies to foreign countries or officials they should be conducted in a manner reflecting credit on the Navy and the United States.

It is well to divide honors into two classes—those which must be memorized and those which the officer of the deck will normally have time to look up and which should not be trusted to memory. "Table of Honors" is usually posted in the vicinity of the quarter-deck.

The officer of the deck should be letter perfect as to honors for United States and foreign military officers of all branches. The honors for "ships passing and being passed" and officials passing in boats close aboard should be memorized as it will often happen that there will be insufficient time to consult the "Table of Honors."

The question of whether or not to give a salute will generally be decided by the captain or by the flag officer or unit commander if a flag ship, but the firing of the salute, as well as the execution of all honors and ceremonies, will be in the hands of the officer of the deck.

With honors and ceremonies, as with nearly all activities of the officer of the deck, it is important to look ahead. Generally speaking, he should be able to estimate accurately the degree of readiness required under existing conditions. Anchored in bad weather on drill grounds, there is no need of keeping side boys standing by. On another occasion it may be necessary to have the full guard and band ready on a moment's notice.

He should be kept informed of the situation as to prospective honors and insist that the quartermaster keep a sharp lookout for approaching officials, and especially for boats flying personal flags, command or commission pennants.

One of the most embarrassing situations to the visitor, the admiral, or the captain, and to the officer of the deck, is to have an official reach the deck without the proper officer being there to receive him. The officer of the deck must make sure of getting word to, or otherwise informing, the admiral, captain, flag lieutenant, and executive officer in sufficient time for them to be on deck.

* Generally dispensed with in war time.

The subject of honors and ceremonies is covered in Chapter 5, *Navy Regulations,* which should be read from time to time and always be kept available.

The starboard gangways to the quarter-deck shall be used by commissioned officers, warrant officers, and their visitors; the port gangways shall be used by all other persons. N.R. 264 (1)

All officers and men, when reaching the quarter-deck either from a boat, from a gangway, from the shore, or from another part of the ship, shall salute the national ensign. In the event the ensign is not hoisted this salute shall be tendered only when leaving or coming on board ship. In making this salute, which shall be entirely distinct from the salute to the officer of the deck, the person making it shall stop at the top of the gangway, or upon arriving upon the quarter-deck, face the colors, and render the salute, after which the officer of the deck shall be saluted. In leaving the quarter-deck, the same salutes shall be rendered in inverse order. The officer of the deck shall return both salutes in each case, and shall require that they be properly made. N.R. 265

The commanding officer shall clearly define the limits of the quarter-deck; this area shall embrace so much of the main or other appropriate deck as may be necessary for the proper conduct of official and ceremonial functions. When the quarter-deck so designated is forward and at a considerable distance from the colors, the salute to the colors prescribed in the preceding paragraph will not be rendered by officers and men except when leaving or coming on board the ship.

Officers seated in boats shall not rise in rendering and returning salutes except when a senior enters or leaves the boat or when acknowledging a gun salute. N.R. 267 (4) (5)

Officers and enlisted men when on board ship shall salute flag officers, the captain and all officers senior to themselves from other ships on every occasion of meeting, passing near, or being addressed. They shall salute all officers senior to themselves attached to the same ship on their first daily meeting, and upon addressing or being addressed by their seniors. They shall salute the executive or other senior officer when that officer is making an official inspection. At other times when the progress of a senior may be impaired officers and men shall clear a gangway and stand at attention facing the senior officer until he has passed.

Men at work, except when addressed by an officer or called to attention, shall not be required to render a salute. A man in formation shall not salute; but, if addressed he shall stand at attention. N.R. 267

Men seated at work, at games, or at mess are not required to rise when an officer, other than a flag officer or the captain of the ship passes, unless they be called to attention or when it is necessary to clear the gangway.

Men seated in boats in which there is no officer, petty officer, or acting

petty officer in charge, lying at landings, gangways, or booms, shall rise and salute all officers passing near; when an officer, petty officer or acting petty officer is in charge of a boat, he alone shall render the salute. Men seated at oars in a pulling boat shall not rise or salute.

At landings and gangways juniors shall give way to seniors, and at all times juniors shall show deference to their seniors by abstaining from crossing the bows of their boats, crowding them, or ignoring their presence. The same rules shall apply in relations ashore, whether in vehicles or on foot.

In accompanying other officers, juniors shall walk or ride on the left of their seniors, unless there be special reason for the contrary.

Unless otherwise directed by the senior officer present, officers will enter boats, automobiles, or other vehicles in inverse order of rank and will leave them in order of rank. The seniors will be accorded the most desirable seats.

N.R. 272 (3) An officer joining a ship or station shall, in addition to reporting for duty, make an official visit to his commanding officer or commandant within 48 hours after joining.

So far as his authority extends, the officer of the deck shall see that the regulations concerning salutes, honors, and distinctions are carefully observed.

N.R. 1065 He shall see that all officials who come on board or leave the ship receive the side honors to which they are entitled.

He shall see that all persons coming alongside or visiting the ship are courteously treated.

N.R. 1066 Unless prevented by urgent duty, he shall be at the gangway to receive, and shall accompany to the side, all commissioned officers or distinguished visitors. When so prevented, he shall send a junior officer of the watch to represent him.

He shall require all persons over whom he has authority to report to him or his representative upon leaving the ship, stating that they have permission to do so, and also to report their return on board.

N.R. 1067 The absence from the gangway of the officer of the deck, at the time of the departure or return of any officer, is not to be construed by the latter as a sufficient reason for omitting this report.

He shall report to the executive officer the departure and return of all officers senior to that officer.

SEC. 2. SIDE HONORS

The sequence and procedure in rendering prescribed honors when receiving an official on board shall be as follows:

(a) Where it is prescribed that the rail shall be manned, men fac-

ing outboard shall be approximately equally spaced at the rail on all weather decks, but the spacing should not be less than one arm's length. Officers, other than those attached to divisions manning the rail or otherwise specifically employed, shall be assembled on the quarter-deck. Men not otherwise occupied shall fall in at quarters.

(b) Attention shall be sounded by bugle as the official approaches the ship.

(c) The boat shall be piped as it comes alongside. Shore boats or automobiles shall not be piped alongside nor away from accommodation ladders or brows, but officials so entitled shall receive other prescribed honors on coming on board or leaving the ship. N.R. 231 (2)

(d) When the official's head appears level with the deck, or as he approaches near the upper platform, he shall be piped over the side. From the first note of this pipe all officers on deck in view, the side boys and all men not in formation on deck shall salute, and the guard shall present arms.

(e) When the official reaches the upper platform he will salute the colors and if it is specified that a personal flag or national ensign be displayed during the visit it shall be broken at this time. The piping shall then cease and immediately thereafter the music, if required, shall sound off.

(f) If the ruffles and flourishes are followed by a march, the hand salute will terminate after the ruffles and flourishes; if followed by a national anthem, after the last note of the anthem; if followed by "To the Colors" by the bugle, after the last note of the call. In the absence of ruffles and flourishes the hand salute and present arms will terminate with the end of the pipe specified in subparagraph (d) above.

(g) Upon completion of the hand salute, the official, if his rank is such as to entitle him to a salute of eleven guns or more, shall be received by the flag, commanding, and other designated officers, and he shall be invited to inspect the guard. Junior officials shall be received by the commanding and other designated officers and a similar invitation extended.

(h) When the required music is completed the guard shall come to order arms.

(i) If a salute is required to be fired upon arrival on board it shall begin as soon as practicable after the music is completed. Officers and men shall stand at attention, facing the official, or, if he is not in view, facing the saluting battery during the salute.

The sequence and procedure in rendering prescribed honors on the departure of an official shall be as follows:

(a) The rail shall be manned, if required, as in subparagraph (a) above.

(b) Attention shall be sounded by bugle as the official arrives on the quarter-deck.

(c) Immediately after the official completes his leave-taking from the senior officer attending the side, and before the official enters the line of side boys, the guard shall present arms, those specified in subparagraph (d) above, shall salute, and the band shall sound off, giving specified ruffles and flourishes followed by march or national anthem, as required.

(d) The piping of the side shall begin as the official enters the line of side boys and shall continue until his head reaches the level of the deck, at which time the salute and present arms shall terminate.

N.R. 231 (3)

(e) The official shall be piped away from the side. Shore boats and automobiles are not so piped.

(f) When a gun salute is to be fired upon departure, it will commence after the boat has cast off and hove to, on a parallel heading, sufficiently clear of the saluting battery. Officers and men shall stand at attention facing the official saluted. If a personal flag or national ensign has been flown during the visit or if a national ensign has been displayed during the gun salute it shall be hauled down at the last gun of this salute. In the presence of the President of the United States, or the president or sovereign of any other nation, no gun salute shall be fired to any authority of lesser rank of that nation.

(g) No salute shall be fired to officials of the Navy without permission of senior officer present except it be one in honor of such senior.

The same salutes, honors, and ceremonies, insofar as may be practicable, shall be rendered in connection with official visits to naval stations as are accorded on similar visits to ships of the Navy, except when officials are entitled to a single salute with guns this salute shall be fired on arrival of the official instead of on departure.

The President, Secretary of the Navy, Under Secretary of the Navy, Assistant Secretary of the Navy, and U. S. naval officers on official visits are entitled to gun salutes, ruffles and flourishes, guard, music, and side boys as follows:

Rank	Guns		Ruffles and Flourishes	Guard	Music	Side Boys
	Arrival	Departure				
President	21	21	4	Full	National	8
Sec. of Navy	19	19	4	Full	March	8
Under Sec. Navy	17	17	4	Full	March	8
Asst. Sec. Navy	17	17	4	Full	March	8
Admiral		17	4	Full	March	8
Vice Admiral		15	3	Full	March	8
Rear Admiral		13	2	Full	March	6
*Commodore		11	1	Full	March	6
Captain		—	—	Day	—	4
Commander		—	—	Day	—	4
†Lieut. Commander		—	—	Day	—	2
Lieutenant		—	—	—	—	2

Rank	Guns Arrival	Guns Departure	Ruffles and Flourishes	Guard	Music	Side Boys
Lieut. (jg)	—	—	—	—	—	2
Ensign	—	—	—	—	—	2
Commissioned Warrant	—	—	—	—	—	2

*Retired rank only.

†A lieutenant commander is entitled to have the guard of the day paraded in his honor if he is a unit commander, chief of staff, or commanding officer.

Note: The return salute for a commanding officer is 7 guns. See article B-390.

Side boys shall be in attendance whenever the side is piped and they shall not be paraded unless the pipe is sounded. N.R. 267

Shore boats or automobiles shall not be piped alongside nor away from accommodation ladders or brows, but officials entitled shall receive other prescribed honors on coming on board or on leaving the ship. N.R. 261

Piping the side for officers not wearing side arms may be dispensed with on board the ship to which they are attached by order of the Commanding officer, and on board other ships in the vicinity when authorized by the senior officer present.

If a flag officer, unit commander, commanding officer, or chief of staff comes on board in uniform but without flag or pennant flying in his boat or automobile, only side honors shall be given on arrival and departure. All persons on the quarter-deck shall stand at attention by command without bugle. Full honors shall be rendered on departure when requested. N.R. 238

When a flag officer officially leaves or returns to his flagship during the day he shall be given the honors prescribed in N.R. Article 238, except that the uniform shall be as he may prescribe and no salute shall be fired. He shall be attended at the gangway by the commanding officer, deck officers of the watch and designated officers of his staff. N.R. 240

When a unit commander or chief of staff, not a flag officer, or commanding officer of a ship visits officially another ship of the Navy, he shall be attended on his arrival and departure by the commanding officer, and if of or above the grade of lieutenant commander, the guard of the day and side boys shall be paraded in his honor. When a unit commander or chief of staff, of or above the grade of lieutenant commander, not a flag officer, leaves or returns to the flagship officially, the guard of the day and side boys shall be paraded in his honor. N.R. 241

When a commanding officer of a ship leaves or returns to the vessel under his command he shall be attended at the side by the officer who, N.R. 242

in his absence, succeeds to the command; and if of or above the grade of lieutenant commander the guard of the day shall be paraded in his honor if he leaves or returns officially.

The *full guard and band* is paraded for flag officers officially coming aboard or leaving a naval ship or station.

N.R. 238 The *guard of the day* only is paraded for a captain, commander, or lieutenant commander (unit commander, chief of staff, or commanding officer) officially coming aboard or leaving a naval ship or station.

N.R. 262 All honors on the arrival or departure of any commissioned officer, except attendance at the side of the officer of the deck and such other social courtesy as may be appropriate, shall be dispensed with under the following circumstances:

(a) When arriving or departing officers are not in uniform.

(b) When the departure or reception takes place after sunset and before 0800, except that for foreign officers the side shall be piped during daylight.

(c) During meal hours of the crew for officers of the United States Navy or Marine Corps.

(d) When exercising at general drills or when undergoing overhaul at navy yards, for officers of the United States Navy or Marine Corps.

(e) On board ships having an allowance of 180 men or less, of the seamen branch, the attendance of side boys for officers of the Navy, Army, Marine Corps, and Coast Guard of the United States shall not be required except on such occasions as advance notice of an official visit has been received.

The guard and band shall not be paraded on Sundays for ships or for officers of the United States Navy, Army, Marine Corps, or Coast Guard, nor for officers of the Naval, Army, Marine Corps Reserve, or National Guard.

SEC. 3. PASSING HONORS

N.R. 260 The officer of the deck is especially charged with giving the command "Attention" as regards salutes to ships, and to officers and officials so entitled when passing in boats. Petty officers or others shall give the command if the officer of the deck's command has not been heard by those in their vicinity, or the ship or boat has not been observed by the officer of the deck.

N.R. 246 The term "close aboard" shall mean within 600 yards for passing ships and 400 yards for passing officers. For high personages and for-

eign ships the terms shall be interpreted liberally and in case of doubt the officer responsible for taking action shall be careful not to render less honors than due.

When any of the crew are paraded in rendering honors, they shall salute only by command.

The *guard of the day* is paraded for any naval officer of and above the rank of lieutenant commander and below flag rank who is officially embarked in a boat and is passing close aboard. N.R. 253

The *guard of the day and band* is paraded for a man-of-war or Coast Guard vessel when passing close aboard regardless if ship is flying a personal flag or commissioned pennant. N.R. 249

The foreign national anthem is played when a foreign vessel is passing or being passed close aboard.

The procedure in rendering honors to dignitaries officially embarked in boats passing close aboard shall be as follows: N.R. 245 (b)

(a) "Attention" shall be sounded just before the boat is abreast, or nearest to abreast, the quarter-deck.

(b) As the boat is abreast, or nearest abreast, the quarter-deck the guard shall present arms, officers, sentries, and men on watch on deck, in view of the boat, shall face the boat and salute.

(c) The music, if required, shall sound off. N.R. 252

(d) "Carry on" shall be sounded and the salute and the present arms shall terminate when the honors have been completed and acknowledged.

Exchange of honors or salutes by vessels of the United States Navy or Coast Guard, with or without personal flags flying, shall not be rendered between sunset and 0800. Honors or salutes to foreign men-of-war may be rendered between sunrise and 0800 if circumstances are such as to cause a delay to be inappropriate. N.R. 247

The procedure in rendering honors prescribed for vessels passing close aboard shall be as follows: N.R. 248

(a) As the jack staff of one vessel passes the jack staff or flag staff of the other vessel "Attention" shall be sounded by bugle or, in the absence of a bugle, by other appropriate means. In exchanging honors with vessels of the United States Navy or Coast Guard the junior of the two vessels shall sound "Attention" first.

(b) The guard shall present arms and all officers, sentries, and men on watch on deck shall face the passing ship and salute.

(c) The band shall sound off.

(d) The salute and present arms shall terminate with the completion of the anthem by both ships.

(e) "Carry on" shall be sounded when the honors have been completed and acknowledged.

N.R. 250 (1) (2) (3)

Vessels engaged in tactical evolution outside of port shall not exchange honors or salutes except when either or both vessels are on detached duty.

No honors other than "Attention" by bugle and salute by all officers, sentries, and men on watch on deck, facing the passing vessel, shall be rendered bettween vessels in port proceeding to or from an anchorage or engaged in maneuvers except when either or both vessels have been or are proceeding on detached duty.

For the purpose of rendering honors and salutes, those vessels joining or leaving such formation, maneuvers, or evolutions, which have been, or will be absent for at least six months from the vicinity of the ships with which they are joining or leaving will be considered as on detached duty.

SEC. 4. PERSONAL FLAGS AND THE COLORS

The following daytime (sunrise to sunset) absence indicators are prescribed:

1st REPEAT at stbd. yardarm.	Official or naval officer whose personal flag or command pennant or senior officer present (S.O.P.) pennant is flying in that ship, is absent with intention to return within 72 hours.
Cominst 1827 — 2nd REPEAT at port yardarm.	Chief of Staff is absent with intention to return within 72 hours.
3rd REPEAT at port yardarm	(a) Captain is absent with intention to return within 72 hours; or (b) (The captain being absent without intention to return within 72 hours). The executive officer is absent with intention to return within 72 hours.
SPEED beneath personal flag or broad command pennant.	Official or naval officer, beneath whose personal flag or broad pennant SPEED is displayed, will leave the ship officially in about five minutes. SPEED will be hauled down at the moment of his departure.

A ship in which an official or officer authorized to fly a personal flag or broad command pennant is regularly embarked shall display, from sunset to sunrise, when that official or officer is aboard, two white lights 6 feet apart in a horizontal line athwartships, about half way up the after side of the mainmast. These lights are called "Flag Lights." When the official or naval officer whose flag or pennant is displayed is absent from his flagship, the flag lights shall be turned off. Cominst. 1828

No ship of the Navy shall dip her ensign unless in return for such compliment. N.R. 287

Of the colors carried by a naval force on shore only the battalion or regimental colors shall be dipped in rendering or acknowledging a salute.

When any vessel, registered by a nation formally recognized by the Government of the United States, salutes a ship of the Navy by dipping her national ensign it shall be returned dip for dip. Before 0800 or after sunset the colors shall be hoisted at the gaff, the dip returned, and, after a suitable interval, the colors hauled down. N.R. 288

The distinctive mark of a ship of the Navy in commission, other than the national ensign, is a personal flag or pennant or the commission pennant at a masthead. N.R. 292 (1) (2) (3)

The distinctive mark shall be carried during the day and night at the after masthead, or, in mastless ships, from the loftiest and most conspicuous hoist.

A personal flag or command pennant may be hauled down during the conduct of an engagement or at any time when the officer concerned or the senior officer present considers that it is desirable thus to render a flagship less distinguishable. When so hauled down it shall be replaced with a commission pennant.

Under no circumstances shall an action be commenced or battle fought without the display of the national ensign. N.R. 710

The national ensign shall be hoisted at the flagstaff of a ship of the Navy in Commission, at anchor at 0800 and kept flying until sunset. Whenever a naval vessel comes to anchor or gets under way while there is sufficient light for the ensign to be seen, the latter shall be hoisted at the gaff although earlier or later than the time specified. The ensign shall be displayed, unless there are good reasons to the contrary, when falling in with other ships of war or when near land, and especially when passing or approaching forts, lighthouses, or towns. It is customary for other ships of war to show their colors in return. (N. R. 288). N.R. 284

When two or more vessels are in company, in port, the senior officer present shall, at 0745, make a preparatory signal, giving the size of colors to be hoisted for the day; if such signal is made during the day, colors shall be shifted when the signal is hauled down. Jacks corresponding in size to the colors shall be flown.

The national ensign shall be displayed on shore from 0800 to sunset at every shore station under the jurisdiction of the Navy Department, at such point as the commandant thereof may direct. The national ensign shall also be displayed at the marine barracks, naval hospitals, or other command, within the limits of the station, provided that in the opinion of the commandant, the proximity of the flag poles does not cause confusion in the rendering of honors at morning and evening "colors." When there exist outlying reservations under the command of such commandant, which lie so far from the main reservation that their governmental character is not clearly indicated by the display of the ensign at such reservation, the commandant shall direct that the national ensign shall be displayed at such point on each such outlying reservation as he may deem desirable.

When a ship is at anchor the union jack shall be flown from the jack staff from 0800 to sunset.

N.R. 290 A ship of the Navy entering port at night shall hoist her ensign at daylight for a short period, to enable the authorities of the port and ships of war present to determine her nationality. It is customary for other ships of war to show their colors in return.

The national ensign shall be displayed from boats belonging to naval ships:

(1) When away from the ship between 0800 and sunset in a foreign port.

N.R. 285 (2) When the ship is dressed, or full dressed, in such boats as are water borne.

(3) In a home port when boarding a foreign vessel.

(4) In a home port when any officer or official is embarked officially; or, when any flag officer, unit commander, a commanding officer or chief of staff, in uniform, is embarked in a boat assigned for his personal use or the personal use of a junior belonging to a ship within his command. (NR. 271 (2)).

(5) At such other times as may be prescribed by the senior officer present.

The following ceremonies shall be observed at "colors" on board ships in commission: The guard of the day and the band shall be present. At morning "colors," "Attention" shall be sounded on the bugle. This shall be followed by the playing of the National Anthem by the band, at the beginning of which the ensign shall be started up and

hoisted smartly to peak or truck. All officers and men shall face the ensign and render the salute required by N.R. art. 230 (2), and the guard of the day and sentries under arms shall come to the position of present arms while the National Anthem is being played. In the absence of a band, "To The Color" will be sounded on the bugle. N.R. 286
In the absence of a bugle "Attention" shall be sounded by other appropriate means and the procedure prescribed shall be followed during the raising or lowering of the ensign (N.R. 254 (7).) Subsequent to "The Star Spangled Banner," honors to foreign ensigns shall be rendered, at morning "colors" only, by the band playing the appropriate foreign national anthem (N.R. 245). The salute and present arms shall terminate with the sounding of "Carry On."

The same ceremonies shall be observed at sunset, the ensign being started from the peak or truck at the beginning of the National Anthem and the lowering so regulated as to be completed at the last note. In the absence of a band, "Retreat" will be sounded on the bugle.

The same ceremonies shall be observed, insofar as may be practicable, at naval stations.

In half-masting the ensign it shall, if not previously hoisted, be N.R 289
first hoisted to the truck or peak with the usual ceremonies and then lowered to half-mast. Before lowering from half-mast the ensign shall be first hoisted to the truck or peak and then lowered with the usual ceremonies.

On board ship or at naval stations, upon all occasions of hoisting, lowering, or half-masting the colors, or displaying the union jack, the motions of senior officer present in sight shall be followed except when answering dips.

Except as prescribed below, no personal flag or pennant of any official shall be displayed at the same masthead with any national ensign. Whenever in a two-masted vessel such double display in dressing or full dressing ship, either in honor of our own or a foreign country, or during a visit aboard of any foreign president, sovereign, or member of a royal family, is required under these regulations, the personal flag or pennant shall be displayed at the fore while the national ensign of the country or official being honored is hoisted at the main (N.R. 294 (1)).

During the period of dressing ship or full dressing ship in a single- N.R 293
masted flagship, the personal flag or pennant shall be displayed at the masthead, alongside and to port of the ensign.

A personal flag or pennant at the masthead where a national flag is shown during a gun salute shall be lowered until clear of the national flag, during the salute.

During salutes to foreign countries and during salutes to, or visits

of, foreign presidents, sovereigns, or members of royal families, the appropriate foreign national ensign shall be displayed at the main (N.R. 243, 317, 319, 325). For foreign officials of lesser rank the appropriate foreign national ensign shall be displayed at the fore (N.R. 232, 318, 325).

When rendering honors requiring the use of a foreign flag, the ensign (man-of-war flag) of the foreign country is used. If there is no ensign, the national flag is used.

Any flag or other officer in command, afloat or at a naval station, shall, upon official occasions and visits, carry on a staff at the bow of the boat in which he is embarked, a flag, broad or burgee command, or commission pennant according to his rank or position. A chief of staff of the rank of lieutenant commander or above, and not a flag officer, when so embarked shall similarly display a commission pennant.

N.R. 297 When a personal flag or pennant or the commission pennant is displayed as prescribed above, the ensign shall be flown from a staff in the stern.

A flag officer or an officer duly ordered to the command of a division or larger unit, or a naval station, when embarked in a ship's boat and not in uniform, may display a miniature of his personal flag or pennant from a small staff in the vicinity of the coxswain's station. Such officer when officially embarked in an automobile may display his personal flag or pennant forward on such vehicle as may be most appropriate.

N.R. 298 An officer not a flag officer, duly appointed to the command of a division or larger unit, whether or not in command of a ship, shall carry the appropriate command pennant at all times at the after masthead of his flagship and in the bow of a boat in which he is embarked officially.

An officer, not a flag officer, exercising temporarily by reason of seniority, the command of a division or larger unit, shall carry the appropriate command pennant at the starboard after yardarm of the ship in which he is embarked while such ship is at anchor in a port of the United States, and at the after masthead while the ship is underway or in a foreign port. He shall display the command pennant from a boat in which he is embarked officially.

The broad command pennant shall be flown by an officer, not a flag officer, when in command of a force, flotilla, squadron, a wing of patrol planes, or a division of battleships, aircraft carriers or cruisers. The burgee command pennant shall be flown by an officer, not a flag officer, when in command of a division of ships other than battleships, aircraft carriers, or cruisers.

N.R. 294 (2) If two or more ships of the Navy are together at sea or in port with no distinctive flag or pennant flying to designate the ship of the senior

officer present, then the senior officer present pennant shall be displayed at the starboard after yardarm of the senior ship. This display may be in addition to that of a broad or burgee command pennant.

The boat of a flag officer shall carry on each bow the stars as arranged in his flag, and, on the end of the personal flag and ensign staffs a halberd.

The boat of a unit commander shall carry on each bow the unit flag or pennant. The boat of a commanding officer or a chief of staff not a flag officer shall carry an arrow on each bow. If the unit commander, commanding officer, or chief of staff be of the grade of captain, a ball shall be carried on the end of the flag or pennant and ensign staffs; if a commander, a star; if of lower rank, a flat truck. N.R. 300

Boats assigned for the use of the staff of a commander-in-chief or junior unit commander may carry appropriate lettering on each bow for the purpose of identification.

A spread eagle shall be carried on the end of the personal flag and ensign staffs of all officials entitled to a salute of 19 or more guns; a halberd by officials entitled to a salute of 11 or more, and less than nineteen guns. In the case of first secretaries of embassies or legations and consuls a ball shall be carried on the end of the staffs; for officials of lesser rank a flat truck.

No personal flag or pennant of any officer shall be half-masted when displayed either from ships or boats, except upon the decease of the officer (N.R. 333). N.R. 301

When a diplomatic official of the United States of or above the rank of chargé d' affaires pays an official visit afloat in a boat of the Navy, the union jack of a suitable size shall be carried on a staff in the bow.

When the naval governor of Guam or American Samoa is embarked in a boat, within the limits of his Government, for the purpose of paying visits of ceremony in his official capacity as governor, a union jack of suitable size shall be carried on a staff in the bow of the boat. N.R. 302

When a consular representative of the United States pays an official visit afloat in a boat of the Navy, the consular flag shall be displayed on a staff in the bow.

Personal flags of other officials listed in N.R. article 232, when embarked in a ship's boat and visiting officially a ship of the Navy, or naval station, may be carried on a staff in the bow.

In each case specified in the above paragraph, the ensign shall be displayed from a staff in the stern (N.R. 285).

SEC. 5. FULL DRESSING SHIP

The 1st of January, the 22nd of February, the 30th of May, the 4th of July, the first Monday of September, the 11th of November, the

25th of December, and such other days as may be designated by the President (including the day for National Thanksgiving) shall be regarded as holidays on board ships of the Navy and at naval stations. Of these only the 22nd of February, the 4th of July, and the 30th of May shall be observed ceremoniously.

Whenever any of the above-designated dates falls on Sunday, the following Monday shall be observed as a holiday and the required ceremonies conducted.

On the 22nd of February and the 4th of July every ship of the Navy in commission, not under way, shall full dress ship at 0800 and remain so dressed until sunset; at noon saluting ships shall fire a national salute. At sea the same salute shall be fired with the ensign at the main truck. At naval stations a national salute shall be fired at noon.

If, in the opinion of the senior officer present, the weather is so bad as to make "full-dressing" inadvisable, "dressing" may be substituted, and, if necessary, these flags may be hauled down after being hoisted.

Memorial Day, May 30, shall be observed by the suspension of all unnecessary work, drill and exercises; at noon a salute of 21-minute guns shall be fired by all saluting vessels in commission and naval stations, during which the ensign shall be at half-mast. Detachments from vessels in United States ports and naval stations shall, in the discretion of the senior officer present, take part in memorial parades in the immediate vicinity, if requested by competent authority, and if it can be done without land transportation or other expense to the Government.

When the 22nd of February, 30th of May, or 4th of July occurs on Sunday, all special ceremonies shall be postponed until the following day.

On the occasion of dressing ship, all cranes, booms, et cetera, shall be moved to the places where they secure; the flag and jack staffs shall be shipped, and a national ensign shall be hoisted at each masthead, except in the case of a flagship. If the masts are the same height, the ensigns shall be the same size. The largest ensign with which the ship is furnished shall be displayed from the flag staff and the jack corresponding in size shall be hoisted at the jack staff. The ship shall be dressed at 0800 and so remain until sunset.

N.R. 291 When full dressing ship and the masting of the vessel will permit, in addition to the dressing of the mastheads, a rainbow of flags shall be arranged, reaching from the foot of the jack staff to the foot of the flag staff. Peculiarly masted or mastless ships shall provide to make the most artistic display, as little modified from the rainbow effect as practicable. When possible, all ships shall be full dressed alike; and to insure uniformity, the flags shall be stopped in the order given in "Flags

of the United States and Other Countries" (H.O. No. 89).

If the dressing or full dressing is complimentary to some other nation, then the ensign of that nation shall be hoisted at the main.

Ships shall not be dressed or full dressed while underway.

Upon the occasion of the celebration of their national anniversaries by the authorities of ships of war of a friendly foreign nation, in foreign or domestic ports, ships of the Navy shall, on official invitation being received by the senior officer, full dress or dress ship, with the foreign national ensign at the main, and fire such salutes as are fired by the foreign authorities or ships, not, however, exceeding 21 guns, unless the senior officer present deems it necessary to fire a larger number in order to participate properly in the celebration or solemnity, to show proper courtesy to the nation complimented, or to avoid giving offense. Under similar circumstances, ships of the Navy shall participate in the observance of national solemnities of foreign nations. Under all such occasions efforts shall be made to accord, so far as possible, with the foreign authorities, in the time and manner of conducting the ceremonies.

SEC. 6. GUN SALUTES

Ships mounting a saluting battery or allowed saluting ammunition in accordance with instructions of the Navy Department, shall be considered saluting ships. No other vessels of the Navy shall fire gun salutes except in cases where, from any special circumstances, the failure to salute cannot be explained without giving offense to a foreign power or official, salute shall be fired by any ship which can do so with safety, whether included in the category above or not.

A national salute shall consist of 21 guns. N.R. 305

The interval between guns in salute shall normally be 5 seconds.

No salute shall be fired in honor of any nation or of any official of any nation not formally recognized by the Government of the United States.

In the presence of the President of the United States, or the president or sovereign of any other nation, no gun salute shall be fired to any other authority of lesser rank of that nation by vessels of the Navy. N.R. 307

No salute shall be fired to officials of the Navy without permission of the senior officer present, except it be one in honor of such senior.

N.R. 323 When a ship or naval station of the United States salutes the flag of the Secretary of the Navy, Under Secretary of the Navy, or the Assistant Secretary of the Navy, or the flag of a flag officer, the return salute shall be as prescribed by paragraph B-356. To an officer flying a broad or burgee command pennant and to any commanding officer of the United States Navy or Coast Guard, the return salute shall be seven guns.

No salutes to other civil officials of the United States are to be returned.

Personal salutes fired to flag officers, either of the United States or of any foreign state, on the occasion of their paying official visits are not to be returned.

N.R. 306 As a general rule salutes shall be fired between 0800 and sunset. Unless required by international courtesy salutes shall not be fired between sunrise and 0800 or on Sundays. No salute shall be fired between sunset and sunrise. The national ensign shall always be displayed during a salute.

In the case of a salute at 0800, the first gun shall be fired immediately following the last note of the last national anthem.

Before firing a personal salute to a senior, notification shall, if practicable, be given the senior, stating approximately the time that the salute will be fired. This is not to be construed as a request to fire the required salute but is notification for the convenience of the senior. This same notification may be given to foreign officials or dignitaries.

N.R. 322 The following arrangements entered into by the maritime powers will be observed in regard to returning salutes.

Salutes to be returned gun for gun:

(a) To the nation upon arrival in a foreign port.

(b) To foreign flag officers when met at sea or in port.

Salutes not to be returned:

(a) To a president of a republic, sovereign or member of royal families, whether on arrival at or departure from a port or upon visiting ships of war.

(b) To diplomatic, naval, military, or consular officials, or to governors, or officers administering a government, whether on arrival at or departure from a port, or upon visiting ships of war.

(c) To foreigners of high distinction on visiting ships of war.

(d) Upon occasions of national festivals or anniversaries.

N.R. 308 Whenever a salute is fired, following the motions of the flagship or ship of the senior officer present, each ship shall begin its salute with

the first gun from the flag or senior ship.

During the firing of a salute all officers and men on deck shall stand at attention and face the ship or person saluted if in view; if not, then face the saluting battery.

Of the occasions of saluting a civil official or a flag officer on his departure from a ship of the Navy or a naval station, his flag shall be hauled down on the last gun of the salute.

Forts and cities of the United States shall not be saluted by ships of the Navy. N.R. 311

Salutes shall not be fired in ports or parts of ports where they are forbidden by local regulations or proper authorities.

Any pulling boats having an official on board shall come to "Oars" and power boats shall slow their engines, disengaging their clutches, on a parallel heading, during the firing of a salute in honor of that official. During the salute only the official being honored shall rise, weather permitting, and face the vessel saluting; at the end of the salute he shall acknowledge it. N.R. 312

No officer of the uniformed services of the United States except flag officers and general officers shall be saluted with guns except in return for such honors. No officer in civilian clothing shall be saluted with guns nor have a guard or side boys paraded in his honor. N.R. 315

Officials whose rank entitles them to nineteen or more guns shall receive full honors, including the salute with guns, on the occasion of every visit. N.R. 316

Other officials of the United States or of foreign nationality, whether naval, military, or civil, shall not be saluted by the same ship or by a naval station, more often than once in 12 months, unless such official has been advanced in rank, makes an official visit or inspection, or be on special duty in which international or other exceptional courtesies may be involved, when the commanding officer shall, in the absence of instructions, exercise his discretion.

Whenever a ship of the Navy falls in with a friendly foreign ship of war flying the standard or flag of a president of a republic, sovereign, or member of a royal family, or passes near such standard or flag, if flying elsewhere than from a ship of war, a national salute shall be N.R. 317

fired and the ensign of the nation of the president, sovereign, or member of a royal family displayed at the main during the salute. See N.R. Art. 293 (2b).

N.R. 318 When a ship of the Navy falls in at sea with a friendly foreign ship of war flying the flag of a flag officer, she shall exchange salutes with such ship of war in the same manner as when meeting similar ships of the United States, except that the salute will be returned gun for gun, and the appropriate foreign national ensign shall be displayed at the fore during such salute. Should flag officers be of the same grade and their relative seniority unknown or in doubt, they should mutually salute without delay.

N.R. 319 (1) (2) (3) When a ship of the Navy enters a port of any foreign nation, the government of which is formally recognized by the government of the United States, where there is a fort or battery displaying the national flag, or where a commissioned ship of war of that nation is lying, she shall fire a salute of 21 guns to that nation unless:

(a) Her commanding officer has reason to believe that the salute cannot be returned, in which case he shall immediately take steps to ascertain the local regulations or customs

(b) The ship is returning from a temporary absence from port, when, by agreement with local authorities, the salute may be dispensed with.

(c) The ship is passing through territorial waters with no intention of anchoring or mooring in them, unless unusual circumstances make it desirable that this salute be fired.

In case two or more ships enter in company, only the senior shall salute.

N.R. 319 (2) (3) When a ship of the Navy enters such port and finds displayed therein the flag of the president or the standard of the sovereign or a member of the royal family of that foreign country, a salute of 21 guns shall be fired to the president's flag or to the royal standard, subsequent to the salute to the port. In the absence of a saluting battery or ship of war capable of returning the salute to the port this salute will be omitted. In that event the salute to the president's flag or to the royal standard will be the only salute fired since it need not be returned. International courtesy will in certain countries require a 21-gun salute upon the arrival or the departure of the president, sovereign, or member of the royal family of that country, in the port. In all such cases the commanding officer shall conform to the national custom when requested by the proper local authorities.

N.R. 320 When a ship of the Navy enters a port in which there is present no senior officer of the United States naval service and finds displayed

therein the flags of foreign flag officers of one or more nations, or if in port and not in the presence of a senior officer of the United States naval service, upon the arrival of foreign flag officers, salutes shall be exchanged with, or fired to, the senior flag officer of each nation, and the appropriate foreign ensign shall be displayed at the fore during each salute. Seniors shall be saluted in the order of their rank. Priority shall be given, if of the same rank, first to the nationality of the port, and secondly, to the length of service of the flag officers in their respective ranks. As between flag officers of the same rank, the last comer will salute first. If not fired on entering port, these salutes shall be fired as soon as possible after the usual boarding visits have been made. If a ship of the Navy enters such foreign port and finds a senior officer of the United States naval service present, a salute to such senior, when required or authorized, will be the only salute fired by the entering ship. Should the senior United States naval officer depart, the remaining senior United States naval officer will salute and visit only such foreign flag officers as are specified in this paragraph and in paragraph B-400.

The salutes prescribed in the foregoing paragraph shall be exchanged in the event the senior United States or foreign officer hoists the flag of a new command, or of an increased rank.

Should the continued presence in the same port of naval forces of several nations render advisable a modification of the regulations regarding salutes, honors, and visits of ceremony, the senior United States naval officer present is authorized to make such modifications as may be agreed upon by the senior officers present of the nations involved.

If on entering a foreign port there be displayed the flags of naval officials of that nation, commanding afloat and commanding ashore, both within saluting distance, only one of these officials will be saluted, namely, the senior officer present, either afloat or ashore.

When firing a national salute upon entering a foreign port, or when returning the same from a ship of war of a foreign nation, the ensign of the foreign nation shall be displayed at the main. N.R. 325 (1)

SEC. 7. OFFICIAL VISITS

The following rules, in which the maritime powers generally have concurred, shall be observed by all officers of the Navy in regard to the interchange of official visits with officers of friendly foreign ships of war in all ports. Their observance by foreign officers may be expected as follows:

(a) The senior officer in port, whatever may be his rank, shall, upon

the arrival of a foreign ship of war, send an officer to make an official visit to such ship and to offer the customary courtesies. In case two or more ships of the same nation arrive in company, then the visit shall be made to the senior ship only. Flagships shall be boarded by a line officer on the staff of the senior flag officer present if practicable.

(b) When such a visit is made to a ship of the Navy, an officer shall be sent to return it at once.

N.R. 278 (c) Within 24 hours of arrival, the flag or other officer in chief command of the arriving ship or ships shall officially visit the flag or other officer in chief command of the foreign ship or ships present in port, if the latter be his equal or superior in rank. Such a visit made to a ship of the Navy shall be returned within 24 hours.

(d) In the case of officers of different ranks the junior shall pay the first official visit, the same limits as to time being observed.

(e) All flag officers return official visits of officers of the grade of captain and above. They may send their chief of staff to return the official visit of commanders or other junior commanding officers.

(f) Captains and commanding officers of junior ranks shall return all official visits made to them by commanding officers, whatever their rank.

(g) In the case of two or more ships arriving in port or lying in port when another ship arrives, and after the interchange of visits between the senior officers shall have taken place, the captains or other officers in command of the several ships of war arriving shall visit the flag officer, the captains, and other officers in command of the ships of war in port, who will return these visits with the exceptions mentioned in subparagraph (e) above.

N.R. 279 Wardroom officers of a ship of the Navy arriving in port, may, after the interchange of the usual official visits by their own and other commanding officers, officially visit commanding and wardroom officers, of foreign ships of war in port when such visits, in the opinion of the senior United States naval officer present, are usual or desirable, and will probably be returned. The officers to make these visits shall be designated by the commanding officer. The order of sequence of such visits shall be that already established by earlier exchange of official visits between the flag or commanding officer.

The senior officer present shall send an officer to board incoming foreign men-of-war. Flagships shall be boarded by a line officer on the staff of the senior flag officer present if practicable.

When he considers it appropriate, the senior officer present shall send an officer to board merchant vessels or yachts flying United States colors found in or arriving at foreign ports, also all vessels which are probably carrying mail for the fleet.

N.R. 283

The following summary of information in regard to merchant ships or yachts shall be obtained by boarding officers, when directed by the senior officer present, and boarding books shall conform thereto:

(a) Name, nationality, and kind of vessel.

(b) If a yacht, name of owner and whether or not he is on board. If not a yacht, the name of the master, and the number of the crew.

(c) Tonnage and cargo.

(d) Place from, time out, and kind of passage.

(e) Probable date of departure.

(f) Any casualties, extraordinary events on the passage, general route taken; and ships, fog, ice, etc., encountered.

(g) General remarks.

In case of a man-of-war omit (c) and substitute in (b) name and rank of the commanding officer; and, if a flagship, also name and rank of the flag officer. In case of a merchant vessel, the fact of her carrying mail, with the destination of such mail, shall be included under general remarks.

Immediately after boarding a vessel the boarding officer shall report on board the flagship of the commander-in-chief or the ship of the senior officer present, and there enter in the boarding book the date and a full record of the visit over his signature and rank.

Chapter 9

DISCIPLINARY SYSTEM

Bibliography: United States Code (U.S.C.)
Naval Courts and Boards (N.C.B.)
Court Martial Orders (C.M.O.)
Naval Digest 1916 and 1921 (N.D.)
Navy Regulations (N.R.)
General Orders (G.O.)
Bureau Manuals
Laws Relating to the Navy Anno. and Supplement, Melling (L.R.N.A.)

SEC. 1. CONSTITUTIONAL PROVISIONS

GENERAL INTRODUCTION

It is important that a naval officer have a working knowledge of naval law. In varying degree, depending upon his rank and position, an officer may, by virtue of the legal authority which goes with his commission and his orders, make certain laws himself by issuing regulations, instructions and orders to be obeyed by those under his authority. He plays an important part in the enforcement of naval law by participating in the functions of the various courts and boards which are convened to investigate offenses or to punish offenders. For example, as a member of a court of inquiry or a board of investigation he will act in a capacity comparable to that of a member of a grand jury in civil courts; as a judge advocate or recorder he will act as a prosecuting attorney; as a defense counsel he may aid an accused person in the preparation and presentation of his case before the court. As a member of a court-martial he will act in a dual capacity of judge and juror. As a convening or reviewing authority he will review cases submitted to him much as a court of review or appeal would do in civil cases. If officers lack familiarity with naval law or are not properly vigorous in enforcing it, discipline will suffer. These naval laws are designed to enable a large number of men to live and work efficiently and in harmony with each other as a separate community.

N.C.B. §4 Each officer and enlisted man is presumed to have knowledge of the contents of Navy Regulations and general orders; and although ignorance of them may be considered as an extenuating circumstance, it does not excuse one guilty of an infraction thereof nor relieve him from the consequences of his acts.

It is hardly to be expected that all officers and men will have a complete knowledge of naval law in all its ramifications. It is, however,

important that officers should have a good knowledge of the sources of naval law and to know where specific points may be found.

SPECIFIC CONSTITUTIONAL PROVISIONS FOR NAVAL LAW

The provisions of the Constitution which may be regarded as the source or sanction of, or authority for our existing naval law and jurisdiction are the following:

(a) Those by which Congress is empowered "To define and punish . . . offenses against the law of nations"; "To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water"; "To raise and support armies"; "To provide and maintain a Navy"; "To make rules for the government and regulation of the land and naval forces"; "To provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasions"; "To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States"; and further, generally, "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States or in any department or officer thereof."

(b) Those by which the President, as the executive power, is constituted "Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States"; and by which he is empowered to appoint, and is required to commission the officers of the Navy, etc.; and by which it is made his duty to "take care that the laws be faithfully executed."

In accordance with the power which Congress has "To make rules for the government and regulation of the land and naval forces," it has enacted various statutes concerning the Navy. The most important of these enactments is the Articles for the Government of the Navy. The Articles appear in Navy Regulations, chapter I, and in Naval Courts and Boards, appendix B.

The authority for Navy Regulations proper is to be sought, primarily, in the distinctive functions of the President as Commander-in-Chief and as the executive head of the government. His function as Commander-in-Chief authorizes him to issue, personally or through his military subordinates, such orders and directions as are necessary and proper to insure order and discipline in the Navy. His function as executive empowers him, personally or through the Secretary of the Navy, to prescribe rules, where requisite, for the due execution of the statutes relating to the naval establishment. The former description of regulations scarcely differs from some of the orders except in that they are of a more permanent character. Often originated as orders merely, they have become regulations by being incorporated as such in the authorized publications. Those of the latter species are more strictly

"regulations," being especially in aid or complement of statutes.

Where law confers authority on an individual, it should define the extent and the limitations of that authority and provide the means whereby he is enabled to exercise his authority. These definitions appear in the Articles for the Government of the Navy and, in greater detail, are stated in the Navy Regulations. In the study which is to follow, consideration will be given to the extent and limitations of the authority of a line officer in exercising military command, the manner in which he may exercise it, and the provisions of law guaranteeing his authority.

THE EXERCISE OF AUTHORITY

The keynote of Navy discipline is expressed in Navy Regulations, article 90—"All persons in the Navy are required to obey readily and strictly, and to execute promptly, the lawful orders of their superiors." The loyal, obedient, and understanding officer will have no difficulty in carrying out his obligations to his seniors. It must be remembered, also, that there are obligations to juniors as well as to seniors.

The laws and regulations concerning the manner in which one exercises authority are as specific as those laws and regulations which require that this authority shall be respected. Officers in authority are enjoined to exercise that authority with justice and kindness. Cruel and unusual punishments are positively forbidden and only those punishments authorized by the Articles for the Government of the Navy are to be resorted to and then only when the guilt of an accused person has been fully established. Navy Regulations, article 97, provides that, "Superiors of every grade are forbidden to injure those under their command by tyrannical or capricious conduct, or by abusive language. Authority over subordinates is to be exercised with firmness, but with justice and kindness." If any person in the Navy considers himself oppressed by his superior or observes in him any misconduct he is required to represent such oppression or misconduct to the proper authority, as set forth in Navy Regulations, article 98. For redress of wrongs, article 99, Navy Regulations, details the manner in which the application may be made. Thus, it will be observed, are individuals safeguarded from the caprice or injustice of a superior.

While much is to be expected of an individual's sense of justice and reason, it is to be remembered that specific laws and regulations exist to govern the Navy. A thorough knowledge and understanding of them is definitely required of each member of the Navy Establishment. All that pertains to these laws and regulations is called the "Disciplinary System."

PUNISHMENTS

N.R. Art. 196 Punishment shall be in strict conformity with the laws for the government of the Navy.

INQUIRY INTO COMPLAINTS OF MISCONDUCT

N.R. Art. 213 (1)

All reports of misconduct shall be investigated by the commanding officer before punishment is adjudged. After morning inspection he shall be furnished by the executive officer with a list of persons reported for offenses during the preceding day. After inquiring into the facts in each case at the mast, giving to both accuser and accused an impartial hearing, he shall assign a punishment, when necessary, and affix his signature in the report book.

N.R. Art. 197

In order to avoid unnecessary recourse to courts of inquiry and general courts-martial, it is directed that where an officer or other person shall be reported to his immediate commanding officer for grave misconduct, the latter shall institute a careful inquiry into the circumstances on which the complaint is founded. He shall call upon the complainant for a written statement of the case, together with a list of his witnesses, mentioning where they may be found, and a memorandum of any documentary evidence bearing upon the case which may be obtainable.

He shall also call upon the accused for such counter statement or explanation as he may wish to make, and for a list of the persons he desires to have questioned in his behalf. If the accused does not desire to submit a statement he shall set forth that fact in writing.

MINOR OFFENSES

N.R. Art. 197 (3)

In the infliction of punishment upon enlisted men for lesser offenses, commanding officers of vessels and marine barracks, should in ordinary cases, resort to the authority conferred upon them by the provisions of article 24 of the Articles for the Government of the Navy, instead of convening summary courts-martial or deck courts for the trial thereof. The certainty of prompt punishment is more conducive to discipline than punishment deferred long after the offense. Under no circumstances shall an offender be required to perform guard duty over personnel or material as punishment, whether serving afloat or ashore.

REPORTS AND COMPLAINTS TO BE IN TEMPERATE LANGUAGE

N.R. Art. 198

Officers making complaints or reports shall confine themselves exclusively to facts; and statements submitted in reply to or in explanation thereof must be couched in temperate language and relate specifically to the matter referred to therein. Officers to whom such reports or complaints are submitted for statement must not reply by making counter charges. Officers desiring to prefer charges against others should make them independently. Opinions must not be expressed, nor the motives of others impugned.

COMMANDING OFFICER TO TAKE ACTION UPON REPORTS NOT NECESSARY TO REFER TO HIGHER AUTHORITY

N.R. Art. 199

If, after the investigation of a report against an officer or other person in the Navy, the commanding officer shall not deem the offense one requiring the action either of a court of inquiry or court-martial, he shall himself take such action as he may think necessary, within the limits of punishment allowed him by law.

CASES REQUIRING TRIAL

N.R. Art. 200

If upon such investigation the commanding officer shall be satisfied that the charge is such as to call for judicial action he may place the accused under suspension or in confinement, as the case may require, neither of which, however, shall be considered as a punishment.

He shall transmit to the Secretary of the Navy, through the Bureau of Navigation, or, in the case of officers or enlisted men of the Marine Corps, through the Commandant of the Marine Corps, or such superior officer as may be authorized to convene a general court-martial, as the case may require, a letter reporting fully and accurately in detail and in the order of their occurrence, the circumstances on which the charge, or charges, may be founded, and when words constitute the substance of the offense, those used are to be set out as fully and exactly as possible in the letter.

FURTHER PROCEEDINGS

N.R. Art. 201

Should the Secretary of the Navy, or such superior officer as may be authorized to convene a general court-martial, decide that no trial is to take place, the accused shall at once be released and restored to duty. But if it be decided that the accused shall be brought to trial, the court shall be assembled for that purpose as soon as the nature of the case and the interests of the public service will allow, unless, meanwhile, such information or explanation shall reach the convening authority as to make it advisable to withdraw the charges and restore the accused to duty.

When trial has been decided upon, the accused shall, as soon as practicable, be furnished with a copy of the charges and specifications, and at the same time be placed formally under arrest for trial.

When the trial of a person by general court-martial is ordered, the judge advocate shall be furnished with all information available and necessary to the prosecution of the case.

OFFICER FURNISHED WITH A COPY OF ACCUSATIONS

N.R. Art. 202

Whenever an accusation is made against an officer, either by report or by endorsement upon a communication, a copy of such report or endorsement shall be furnished him at the time.

TEMPORARY RELEASE NO BAR TO FUTURE TRIAL OR INVESTIGATION

N.R. Art. 203, 206(4)

The commanding officer of a ship or other competent authority may release temporarily and put on duty an officer under suspension or arrest, should an emergency of the service or other sufficient cause make such measures necessary. The order for temporary release shall be in writing and shall assign the reasons. Should the officer be under charges, they need not be withdrawn; and such temporary release and restoration to duty shall not be a bar to any subsequent investigation or trial of the case that the convening authority may think proper to order, nor to the investigation of any complaint the accused may make in regard to the suspension or arrest.

CHARGES NOT TO BE HELD BACK TO ACCUMULATE

N.R. Art. 204

Offenses shall not be allowed to accumulate in order that sufficient matter may thus be collectively obtained for a trial, without giving due notice to the offender.

ARREST OR SUSPENSION, PURPOSE AND TIME OF ARREST

N.R. Art. 205

The placing of an officer or enlisted man under arrest to await trial by court-martial is to insure his presence at the trial and to give him a reasonable opportunity to prepare his defense. In general, the accused shall not be placed under arrest until just prior to the trial, except when it may be advisable as a precaution against his escape or to enable him to prepare his defense, or when, owing to the nature of the offense and the character or condition of the accused, his confinement is necessary in the interests of good order and discipline. In all cases of confinement it shall be no more rigorous than the circumstances require.

OFFICERS—SURRENDER OF SWORD

N.R. Art. 206

An officer when placed under arrest, either as a punishment or to await further disciplinary action, shall deliver up his sword, through the arresting officer, to the commanding officer of the ship or other competent authority.

He shall confine himself to the limits assigned him at the time of his arrest or afterwards, under pain of dismissal from the service.

He shall not visit his commanding officer or other superior officer officially unless sent for; but in case of business requiring attention, he shall make it known in writing.

SUSPENSION

N.R. Art. 207 An officer suspended from duty shall confine himself to the limits assigned him at the time of his suspension, or afterwards, and his failure to do so shall be regarded as a breach of arrest.

CONFINEMENT OR RESTRAINT

N.R. Art. 208 An officer placed under arrest or suspension on board ship shall not be confined to his room or restrained from the proper use of any part of the ship to which before his arrest or suspension he had a right, except the quarter-deck, poop, and bridges, unless such confinement or restraint shall be necessary for the safety of the ship or of the officer or for the preservation of good order and discipline; but such confinement shall not be imposed for a longer time than absolutely necessary. Similarly, at a naval station or other place on shore, the confinement or restraint imposed shall not be unduly rigorous.

OFFICERS IN ARREST CANNOT INSIST ON BEING TRIED

N.R. Art. 210 No officer can demand a court-martial on himself, or on any other person, or persist in considering himself under the restraint of arrest after he has been released by proper authority, or refuse to return to duty.

RESTRAINT OF PRISONERS TO BE TRIED

N.R. Art. 211 When any enlisted man is confined for a longer time than ten days to await trial by court-martial, the commanding officer shall keep in view the fact that his confinement is protracted simply to insure the appearance of the prisoner before the court by which he is to be tried. He must not, therefore, be subjected to greater rigor than is necessary to effect that object.

Commanding officers will send to the department on the 30th of each month a report showing all the facts in any case where they have used irons on any man in the naval service.

Confinement of this character is not to be employed except where it is absolutely necessary with violent prisoners, and not at any time as a punishment inflicted by a commanding officer.

TREATMENT AND RELEASE OF PRISONERS

N.R. Art. 212 The commanding officer shall assure himself that persons in confinement suffer no cruel or unusual treatment at the hands of his subordinates.

He shall direct the release of every person upon the expiration of the term of confinement.

PUNISHMENTS TO BE ENTERED IN THE LOG

Entries in the log regarding punishments shall include the name, rank, or rating of the offender, the date and nature of the offense, and the kind and degree of punishment. The date of every suspension, arrest, confinement, and restoration to duty shall also be entered upon the log book. N.R. Art. 217

ADMONITION IN COURSE OF DUTY

An admonition or caution in the ordinary course of duty shall not be considered as a reprimand in the sense of punishment. N.R. Art. 218

SEC. 2. INTRODUCTION TO NAVAL LAW

NAVAL LAW DEFINED

Naval law may be defined as the body of rules prescribed by competent authority for the government and regulation of the naval forces. N.C.B. §1

Naval law is chiefly statutory but regulations and orders issued by the President and customs generally applicable to military law are also given the force and effect of law where they do not conflict with statutory rules. The civil courts or authorities have no power to interfere with the functioning of military courts, but those amenable to military law do not thereby become freed from their civil obligations. Any violations of the civil rights of the civilian population, or any act amounting to a crime according to the local criminal law, is cognizable in the ordinary civil and criminal courts. Arrests for such offenses ordinarily cannot be made within the confines under control of naval authorities, but if the offender is arrested outside such territory, or is surrendered for trial by the naval authorities, he may be tried like any other citizens. Military courts are called "courts-martial." Procedure in these courts is unlike that of the civil or criminal courts, being generally free from the restrictions imposed upon the civilian courts.

SOURCES OF NAVAL LAW

There are two general sources of naval law, namely, written and unwritten. N.C.B. §§2, 3

The sources of *written* naval law are:

(a) The Constitution of the United States.

(b) Statutory enactments of Congress made in accordance with the foregoing power, e.g., the Articles for the Government of the Navy.

(c) Navy Regulations.

(d) Orders and Instructions. These are in addition to Navy Regulations and are issued by the Secretary of the Navy for the information and guidance of persons in the Naval Establishment. Among these are General Orders, Uniform Regulations, signal and drill books, manuals of the separate bureaus of the Navy Department, and other similar publications.

N.C.B. §5

The sources of *unwritten* naval law are:

(a) *Decisions of the courts.* The Constitution provides for a judicial branch of our government for the purpose of interpreting the laws. This function is exercised by means of the Federal courts before which doubtful questions of law arising under the Federal government are brought for decision. Of these, the Supreme Court ranks first in point of authority but the decisions of an inferior Federal court, while not equal in weight to that of the Supreme Court, is none the less authoritative in the absence of a reversal by a superior tribunal. Accordingly, when a law relating to the Navy has been authoritatively interpreted by the proper courts, such interpretation becomes in effect a part of the law as fully as though it had been specifically written therein by Congress.

(b) *Decisions of the President and the Secretary of the Navy and the opinions of the Attorney General and the Judge Advocate General of the Navy.* Closely related to the decisions of the courts in point of authority are the decisions of the President and the Secretary of the Navy. Under this classification fall also the opinions of the Attorney General, the chief legal adviser of the executive branch of the government, and of the Judge Advocate General of the Navy. While the Navy Department is bound by the interpretations placed on statutes by the Federal courts, this limitation does not restrict the department in making authoritative decisions on matters coming within its jurisdiction and not governed by statute. No statute lays down the rules of evidence to govern naval courts-martial and the decisions of the department on such questions are the highest authority for a naval court-martial to follow.

(c) *Court-Martial Orders.* The Navy Regulations (art. 74(4)) provide that court-martial orders "shall have full force and effect for the guidance of all persons in the Naval Establishment," and officers of the naval service are responsible for the observance of instructions contained therein, just as they are for the observance of other lawful regulations. It naturally follows that in the application of naval law there arise from time to time questions which have to be decided by the Navy Department. The more important of such decisions are published in court-martial orders for the information of the service. In connection with these orders there is published annually an index-digest of the orders of the year. Also, the Naval Digest, a departmental publication, contains a digest of court-martial orders and of the more important decisions and opinions affecting naval law. Thus it is possible

for officers called upon to apply naval law readily to find the decisions of the department affecting the application of this law. It occasionally becomes necessary to overrule or restrict or enlarge the scope of prior court-martial orders. For this reason the latest court-martial order is generally the best authority and should be followed.

(d) *Customs and usages of the service.* Circumstances from time to time arise for the government of which there are no written rules to be found. In such cases customs of the service govern. Custom is not to be confused with usage; the former has the force of law, the latter is merely a fact. There may be usage without custom, but there can be no custom without usage. Usage consists merely in the repetition of acts, while custom is created out of their repetition. As usage constantly observed for a long period results in the establishment of a custom, so may a custom ripen into a regulation or law. Custom as used in the military service is found, for example, in the procedures of military courts; whether facts alleged in a particular specification constituted a military offense, such as, "was it a lawful order," or was the accused "on duty" at the time alleged; did the words or acts of the accused constitute "conduct unbecoming an officer and a gentleman." In a general court-martial case a few years ago, the accused, on trial for drunkenness, stated in his argument that because of a prevailing custom at that particular station "it is small wonder that an occasion should arise involving a slight overindulgence in intoxicating liquor." It was held in this case that such an excuse for drunkenness is untenable. With the permission of the court usages of the service may be introduced in evidence, with a view to diminishing to some extent the degree of criminality involved in the offense charged. The fact that such usages exist can never be pleaded in justification of conduct otherwise reprehensible, nor be relied upon as a complete defense in a trial by court-martial. An example of such a usage can be found in the practice of persons smoking tobacco in unauthorized places or at unauthorized times. The fact that such usage exists cannot be pleaded in justification by one who is apprehended in such an act.

SEC. 3. THE ARTICLES FOR THE GOVERNMENT OF THE NAVY

GENERAL PROVISIONS

The Articles for the Government of the Navy may be found in Navy Regulations, chapter I, and in Naval Courts and Boards, appendix B. All of the matter contained in the Articles is important, but for the purposes of this outline only those Articles which are of immediate concern will be dealt with in detail. In general the Articles for the Government of the Navy accomplish the following:

(a) They contain a naval penal code.

(b) They prescribe the tribunals authorized to hear and determine criminal cases arising within the naval service.

(c) They prescribe the means and methods by which naval tribunals may be convened.

(d) They prescribe the review that shall be made of the proceedings of courts and boards.

(e) They prescribe in limited detail how the proceedings of naval tribunals shall be conducted.

(f) They prescribe who shall be answerable to trial before naval tribunals.

(g) They contain a schedule of limitation of punishments which may be adjudged by the various agencies charged with the administration of justice.

For the purpose of dealing with offenders against naval discipline the Articles provide for punishment by:

(a) The man's commanding officer (commonly known as "mast" punishment).

(b) Deck court, (enlisted men only).

(c) Summary court-martial, (enlisted men only).

(d) General court-martial.

The commanding officer of a vessel may not inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days unless a further period is necessary to bring the offender to trial by court-martial.

For the punishment of enlisted men, for a single offense, at any one time the commanding officer may inflict none other than one of the following punishments:

(a) Reduction of any rating established by himself.

(b) Confinement not exceeding ten days, unless further confinement be necessary, in the case of a prisoner to be tried by court-martial.

(c) Solitary confinement on bread and water, not exceeding five days.

(d) Solitary confinement not exceeding seven days.

(e) Deprivation of liberty on shore.

(f) Extra duties.

When, in the opinion of the commanding officer, the offense with which the accused is charged merits a greater punishment than he is empowered to adjudge, he may order the person tried by deck court, summary court-martial or recommend him to be tried by general court-martial.

DECK COURTS

A deck court consists of one commissioned officer who is empowered to impose any one of the following punishments:

(a) Solitary confinement, not exceeding twenty days, on bread and water, or on diminished rations.

(b) Solitary confinement not exceeding twenty days.
(c) Confinement not exceeding twenty days.
(d) Reduction to next inferior rating.
(e) Deprivation of liberty on shore on foreign station.
(f) Extra police duties, and loss of pay, not to exceed twenty days may be added to any of the above-mentioned punishments.

Briefly stated, a deck court may impose any punishment which a summary court-martial is authorized to impose, except a bad conduct discharge and confinement and loss of pay for more than twenty days. Deck courts may be ordered by those officers who are empowered to order summary or general courts-martial.

SUMMARY COURTS-MARTIAL

A summary court-martial is composed of three officers not below the rank of ensign, as members, and of an officer recorder. This court-martial may impose any one of the following punishments:

(a) Discharge from the service with bad conduct discharge; but the sentence shall not be carried into effect in a foreign country.
(b) Solitary confinement, not exceeding thirty days, on bread and water, or on diminished rations.
(c) Solitary confinement not exceeding thirty days.
(d) Confinement not exceeding two months.
(e) Reduction to next inferior rating.
(f) Deprivation of liberty on shore on foreign station.
(g) Extra police duties, and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments.

The Articles for the Government of the Navy provide that summary courts-martial may be ordered upon petty officers and enlisted men in the naval service under his command by the commanding officer of any vessel, the commandant of any navy yard or naval station, the commanding officer of any brigade, regiment, or separate or detached battalion, or other separate or detached command, or marine barracks, and, when empowered by the Secretary of the Navy, by the commanding officer or officer in charge of any command not specifically mentioned in the foregoing, for the trial of offenses which such commanding officer or commandant may deem deserving of greater punishment than he is authorized to inflict, but not sufficient to require trial by a general court-martial.

GENERAL COURTS-MARTIAL

A general court-martial is composed of five to thirteen commissioned officers, as members, and of a judge advocate. This court-martial is the highest tribunal in naval law. The maximum punishments which such a court-martial may inflict are set forth in Naval Courts and Boards, sec-

tion 457. This court-martial may adjudge sentences of death, dismissal, confinement at hard labor in a prison, etc. General courts-martial may be convened by the President, the Secretary of the Navy, the commander in chief of a fleet or squadron, and the commanding officer of a naval station beyond the continental limits of the United States; and, when empowered by the Secretary of the Navy, by the commanding officer of a squadron, division, flotilla, or larger naval force afloat, and of a brigade or larger force of the naval service on shore beyond the continental limits of the United States; and, in time of war, if then so empowered by the Secretary of the Navy, by the commandant of any navy yard or naval station, and by the commanding officer of a brigade or larger force of the Navy or Marine Corps on shore not attached to a navy yard or naval station.

TITLES OF COURT OFFICERS

The officer ordered to conduct a deck court is called the "Deck Court Officer." The senior officer ordered as a member of a summary court-martial is called the "Senior Member." The prosecutor of a summary court-martial is called the "Recorder." The senior officer ordered as a member of a general court-martial is called the "President." The prosecutor of a general court-martial is called the "Judge Advocate."

SEC. 4. CHARGES AND SPECIFICATIONS

DEFINITIONS

N.C.B. §12

A charge, in naval law, designates an offense in general terms. *A specification* sets forth the facts constituting the charge. It is requisite that a charge name an offense provided for by, or within the purview of, the Articles for the Government of the Navy or other enactment of Congress; and that a specification set forth in simple and concise language facts sufficient to constitute the particular offense charged and in such a manner as to enable a person of common understanding to know what is intended. In summary court-martial or deck court procedure there is no charge, but the specification must, nevertheless, set forth facts sufficient to constitute the particular offense just as though it were laid under a charge.

POWERS OF CONVENING AUTHORITY IN FRAMING CHARGES

N.C.B. §13

It is entirely within the discretion of the officer empowered to convene a court-martial to direct what portions of the complaint against an accused shall be charged against him. When the competent officer has decided to have a person tried by general court-martial he shall

cause charges and specifications against the offender to be prepared, and transmit a true copy of them, with an order for the arrest or confinement of the accused, to the proper officer, who shall deliver such order to the accused, together with the charges and specifications, at the same time formally notifying him that he is put under arrest.

ALTERATIONS IN CHARGES AND SPECIFICATIONS

N.C.B. §14

After the charges and specifications have been signed by the proper authority, and trial ordered, it is not competent for any person to make alterations therein without having first obtained the consent of such authority, except that the judge advocate may, with the approval of the court, correct manifest clerical errors. If the court-martial considers other alterations necessary in charges or specifications laid before it, they must be submitted to the convening authority for his approval.

ERRORS IN CHARGES AND SPECIFICATIONS

N.C.B. §15

Errors in charges and specifications are of three classes: (a) clerical errors, (b) technical errors other than clerical, (c) errors in substance.

Clerical errors are those of spelling, punctuation, etc., correction of which does not alter facts. Such errors may, with the approval of the court, be corrected by the judge advocate (or recorder or deck court officer). Under such circumstances the corrections shall be neatly made in red ink and initialled by the officer making them.

Technical errors, also known as errors in form, are those which would be sufficient to sustain an objection by the accused, such as uncertainty as to the time or place of occurrence of the alleged offense, name of the accused misspelled, etc. If the court is in doubt as to whether an error in the charges and specifications is clerical or technical, it should be treated as a technical error and thus avoid any possibility of having the case disapproved on a technicality of this nature.

Errors in substance are those of such a nature as to vitiate the entire proceedings and render them liable to review by civil tribunals; such, for example, as failure to show jurisdiction on the part of the court.

It is not within the discretion of the judge advocate, the court, or any other person to correct technical errors and errors in substance in the charges and specifications without the consent of the convening authority.

DUPLICATION OF CHARGES

N.C.B. §19

The law permits as many charges to be preferred as may be necessary to provide for every possible contingency in the evidence. Where

the offense falls apparently equally within the scope of two or more articles of the Articles for the Government of the Navy, or where the legal character of the offense cannot be precisely known or defined until developed by the proof, it is quite proper to specify the offense under two or more charges; but there is, of course, no reason for doing this if one charge is lesser than and included in the other. In such case the specification should be laid under the more serious charge.

CONSOLIDATION OF CHARGES

N.C.B. §20 All the charges against the accused should be consolidated into one set of charges, and one trial had upon the consolidated set instead of having two or more trials. Where there have been a number of offenses of a character usually tried by a summary court-martial or a deck court which in the aggregate, in the opinion of the convening authority, should be more severely punished than can be done by a summary court-martial, it is proper to order the offender tried on them by a general court-martial.

GENERAL AND SPECIFIC CHARGES

N.C.B. §22 There are two kinds of charges in naval procedure, (a) general, and, (b) specific. The general charges are; scandalous conduct tending to the destruction of good morals, conduct to the prejudice of good order and discipline, and conduct unbecoming an officer and a gentleman. All other charges are specific charges. Since most attempted (but not consummated) offenses have to be laid under a general charge, it follows that one of the general charges is a lesser included offense in most of the specific charges.

NUMBERING OF CHARGES AND SPECIFICATIONS

N.C.B. §24 Charges and specifications should be numbered consecutively, the former with roman numerals and the latter with arabic numerals. However, when there is only one charge it should not be numbered, nor should a specification be numbered if it is the only one under a charge. So far as practicable, charges and specifications should also be placed in chronological order.

ABBREVIATIONS AUTHORIZED

N.C.B §25 Abbreviations in charges and specifications are authorized as follows: dates and times may be expressed in figures; the abbreviations "U.S.", "U.S.S.", "A.M.", and "P.M."; Christian names other than the first, or the one commonly used, may be indicated by initial letters;

sums of money should be set out both in words and figures (the latter in parenthesis). Except as indicated above, the use of figures or abbreviations in charges and specifications is prohibited.

STATEMENT OF OFFENSE—THE CHARGE

N.C.B. §26

The statement of the offense will be considered under two headings, first, the charge, and second, the specification. As to the charge: If the offense is one specifically provided for, it should be preferred under a specific rather than a general charge. In order to determine this point the following sources should be consulted; (a) sample charges and specifications, (b) limitations of punishments (Naval Courts and Boards section 457), (c) Articles for the Government of the Navy. In determining which of the general charges should be used, the following general rule should be observed: Acts are of a scandalous nature and, consequently, are properly so charged, that give offense to the conscience or moral feelings; call out condemnation; involve scandal or disgrace to reputation; bring shame or infamy; or because of their evil nature are *malum in se* (bad in themselves).

THE SPECIFICATION

N.C.B. §27

A specification should contain allegations of all the essential elements of the offense in simple, concise, and accurate language. An essential element is one the omission of which in a specification would be ground for sustaining a timely objection on the part of the accused, or if not objected to and the evidence adduced does not supply the omission, will constitute a fatal defect. The specification proper includes:

(a) the name and the rank or rate of the accused.

(b) the name of the ship or station to which he is attached and serving.

(c) the time and place of the commission of the offense.

(d) the facts constituting the offense.

(e) the intent with which the offense was committed.

The foregoing matters will be considered in detail further along in this section.

For the elements of any particular offense the applicable section of Naval Courts and Boards under charges and specifications should be consulted.

A specification must on its face allège facts which constitute a violation of some law, regulation, or custom of the service. It is not sufficient that the accused be charged generally with having committed an offense, but the particular acts or circumstances attending a specific offense must be distinctly set forth in the specification. Each specification must be complete and in itself state an offense, but it should allege only one

offense. It is not sufficient that several specifications taken together may do so. It would not be a good specification which merely stated that theft was committed by a certain man at a certain time and place, or that a man had in his possession, unlawfully, certain property without alleging facts showing wherein the possession was unlawful. Each specification must support the charge under which it is laid.

To constitute a crime both criminal intent and a prohibited act must concur. Where the offense specified is one which requires a specific intent and the act, both must be set out. For example, a specification alleging that the accused "did feloniously have in his possession with the intention of removing same from said ship . . . certain government property," fails to state an offense. The criminal intent is properly alleged, but the word "feloniously" is a mere conclusion of law, and the only facts alleged are that the accused had government property in his possession and had the intention of removing it from the ship. Since the mere possession of government property is not a violation of any law, regulation, or custom of the service, nor is it illegal in itself to take government property from the ship.

INTENT SHOULD BE EXPRESSED BY TECHNICAL WORDS PRESCRIBED

N.C.B §28

In cases where the law has adopted certain expressions to show the intent with which an offense is committed, the intent shall be expressed by the technical word prescribed, as "wilfully," "knowingly," "corruptly," "maliciously," "intentionally," "wrongfully." Certain of the foregoing words appear in the Articles for the Government of the Navy and should be used to express fully the offense charged. For example, a charge made against an officer for making or for signing a false muster must be alleged as having been done "knowingly."

ALTERNATIVE SPECIFICATIONS

N.C.B §29

A specification should not allege two or more offenses in the alternative or disjunctive. For example, a specification would be bad for uncertainty which alleged that a man struck *or* threatened to strike another. The reason for this rule is that an accused would not know which part of the specification he is called upon to defend.

EVIDENCE NOT TO BE STATED

N.C.B. §30

In alleging an offense it is not good pleading to state the evidence proving or tending to prove it, such as the acts, occurrences, and matters of description, which should properly form part of the testimony of witnesses; but there is no objection to stating very briefly in the specification the immediate results or effect of the act charged as a cir-

cumstance or description illustrating the character and extent of the offense committed.

THE FACTS MUST BE STATED WITH CERTAINTY

N.C.B. §32

It is not sufficient that an accused be charged generally with having committed an offense, as, for instance, habitual violation of orders or neglect of duty, or acting in a disorderly manner. The particular acts or circumstances attending a specific offense must be distinctly set forth in the specification. Where intent is an ingredient of the offense it must be set forth also.

CERTAINTY AS TO THE PARTY ACCUSED

N.C.B. §33

The accused should be described by his rank or rating, Christian name and surname, written at full length, with the addition of his vessel or station at the time the offense with which he is charged took place. Christian names other than the one commonly used may be indicated by initial letters. An error in the name of the accused, if unobjected to, and *idem sonans* (having the same sound) with his true name, is not fatal. As the rank or rate is merely descriptive, an error therein, if not objected to, is not material. If the accused is known by more than one name, as frequently happens in cases of fraudulent enlistment, the specification should describe him by the name he admits to be his true name. If there be no such admission his true name will be assumed as that first appearing in his official record. He will also be described under his assumed name or names as an alias or aliases.

CERTAINTY AS TO THE PERSON AGAINST WHOM THE OFFENSE WAS COMMITTED

N.C.B. §34

In the case of offenses against persons or property of individuals, the Christian name and surname, with the rank and station or duty of such person, if he have any, must be stated, if known. If not known, the party injured must be described as a person "by name to the relator unknown."

ALLEGATION AS TO TIME AND PLACE

N.C.B. §35

The time and place of the commission of the offense charged must be averred in the specification. They must be stated with sufficient precision clearly to identify the offense and enable the accused to understand what particular act or omission he is called upon to defend.

WRITTEN INSTRUMENTS

N.C.B. §36

Written instruments, or such portions thereof as form part of the gist of the offense charged, must be set out verbatim, and introduced

by the words, "in tenor as follows" or if set out in substance, by the words "in substance as follows."

ORAL STATEMENTS

N.C.B. §37

Oral statements forming the gist of the offense must be set out in the exact words spoken, as nearly as possible, and always be followed by the words, "or words to that effect," since proof will generally vary as to a word or words.

SURPLUSAGE

N.C.B. §38

In drawing up specifications all extraneous matter is to be carefully avoided, and nothing shall be alleged except that which is essential to set forth all the material elements of the offense.

HOW TO CHARGE ATTEMPTS

N.C.B. §42

If an attempt is not provided for as a specific charge it should be alleged under the appropriate general charge. For example, an attempt to leave the ship without permission from proper authority, would properly be laid under the charge of conduct to the prejudice of good order and discipline.

WHAT CONSTITUTES AN ATTEMPT

N.C.B. §43

An attempt to commit a crime consists of three elements: (a) The intention to commit the crime, (b) performance of some act toward the commission of the crime, and (c) the failure to consummate the crime. It follows that one proved actually to have committed an offense cannot be found guilty of an attempt to do so, and, that a specification alleging such commission does not support a charge of attempt.

SAMPLE SPECIFICATIONS

N.C.B. §§46-129

For the information and guidance of the naval service, Naval Courts and Boards, sections 46 to 129, contains sample specifications covering those offenses most likely to arise in the service. These specifications are laid under the charges in the order in which they appear in the Articles for the Government of the Navy. In each section there is set forth the charge; the essential elements of the offense; the lesser included offenses, if any; and the sample specification.

Such a sample specification appears below:

CHARGE: Drunkenness. (This is provided for in the 8th A.G.N., par. 1.)

ELEMENTS: Any intoxication from alcoholic liquor which is sufficient sensibly to impair the rational and full exercise of the mental and physical faculties to a degree that will incapacitate for the proper performance of duty which a person of the rank or rate of the accused could properly be called upon to perform, constitutes drunkenness. If the drunkenness occur on duty this must be alleged as an aggravation, as a greater limit of punishment is provided in such a case.

LESSER INCLUDED OFFENSE: There is no lesser included offense for this charge.

SAMPLE SPECIFICATION:

In that, Harry Sams, fireman third class, U. S. Navy, attached to the U.S.S. *Rowe,* while so serving on board the U.S.S. *Rowe,* was, on or about August 2, 1938, on a public street in the city of Long Beach, California, under the influence of intoxicating liquor, and thereby incapacitated for the proper performance of duty.

SEC. 5. RULES OF EVIDENCE—ATTENDANCE AND EXAMINATION OF WITNESSES

EVIDENCE AND PROOF DEFINED

N.C.B. §142

Evidence is that which tends to prove or disprove any matter in question, or to influence the belief respecting it.

Proof is the conviction or persuasion of the mind of a judicial tribunal by the exhibition of evidence of the reality of a fact alleged.

Evidence then is the medium of proof; and proof is the effect, result, or perfection of evidence. There can be no proof without evidence, though there may be evidence which does not amount to proof.

PROOF IN GENERAL

N.C.B. §148

In every criminal case it is the duty of the prosecution to prove by relevant evidence:

(a) That the act charged was really committed (this is called the *corpus delicti*);

(b) That the accused committed it; and,

(c) That the accused had the requisite criminal intent at the time.

In other words, the proof of a charge, in criminal cases, involves the proof of three distinct propositions. These three factors constitute, broadly, the issues in the case.

The three issues will now be considered separately:

§149

(a) The *corpus delicti.*

This is the body of the offense. The offense itself as distinguished from the participation of any person therein. Thus, the *corpus delicti*

of a homicide is that a person has died by violence, and not merely that he has died.

The rule with regard to proof of *corpus delicti,* apart from the mere confession of the accused, proceeds from the reason that the general fact without which there could be no guilt, either in the accused or any one else, must be established before anyone could be convicted of the perpetration of the alleged criminal act which caused it. For instance, in homicide the death must be shown, in larceny it must be proved that the goods were lost by the owner, and in arson that the house had been burned. Otherwise, the accused might be convicted of murder when the person allegedly murdered was alive, or of larceny when the owner had not lost his goods, or of arson when the house was not burned. But where the general fact is proved, the foundation is laid and it is competent to show by any legal and sufficient evidence, how and by whom the act was committed and that it was done criminally.

In many court-martial cases an omission, not an act of commission, constitutes the offense charged. To such cases the doctrine of *corpus delicti* has no application.

Usually the *corpus delicti* is evidenced before any other fact. But for the convenience of the court or the witness, a confession may be received, subject to being stricken out upon failure to prove the *corpus delicti.* If the *corpus delicti* is afterwards proved, the rights of the accused are not thereby prejudiced. The confession itself, however, cannot be used to establish the *corpus delicti.* There must be corroboration outside the confession.

In one case on record an eye witness to the occurrence in a case of manslaughter by drowning, testified that he had seen the victim strike the water and that he had not been seen since. The department has held that circumstantial evidence is competent to establish the *corpus delicti* in cases similar to this.

N.C.B §150 (b) Proof that the accused committed the act.

There must first be proved that the person in court as the accused is the person named in the specifications. This must be established from his descriptive list or by testimony of those who know the accused by name. It must be shown that the person in court as the accused was the person who did the act specified and to which the testimony of the witness will refer. It is patent that identity must be clearly proved, for there is no worse injustice than that of convicting an innocent person because of mistaken identity.

N.C.B. §151 (c) Proof that the accused had the requisite criminal intent at the time.

With respect to the element of intent, crimes are divided into two classes:

1. Those in which a distinct and specific intent independent of the mere act, is essential to constitute the offense, and,

2. Those in which the act itself being the principal feature, a specific

intent is not required, as the existence of a wrongful intent is inferable from the mere act.

Under crimes in which a specific intent is essential may be listed murder, larceny, burglary, desertion, mutiny, forgery, perjury.

Under crimes or offenses in which a specific intent is not essential to be proved may be listed neglect of duty, sleeping on watch, rape, drunkenness, simple assault, assault and battery, leaving station and duty before being relieved, neglect or carelessness in obeying orders, absence over or without leave, missing ship, etc.

Intent being a state of mind, is not subject to direct proof, but is a presumption of fact to be inferred from other facts. Every person of sound mind is presumed to intend the natural consequences which result from his own acts. It is a general principle that there may be such character of negligence or carelessness as will entirely take the place of criminal intent.

DRUNKENNESS AS SHOWING ABSENCE OF INTENT

N.C.B §152

It is a general rule of law that voluntary drunkenness is not an excuse for crime committed in that condition. When a person voluntarily drinks and becomes intoxicated, and while in that condition, commits an act which would be a crime if he were sober, he is, nevertheless, responsible. His voluntary drunkenness is not an excuse. A person may be so drunk when he commits an act that he is incapable, at the time, of knowing what he is doing; but in case of voluntary intoxication a man is none the less responsible for the reasonable exercise of his understanding, memory, and wit. A drunken man, equally with a sober man, is presumed to intend his acts and their natural and ordinary consequences.

Exceptions to the foregoing rule arise when a specific intent to injure or to do other wrong is necessary to constitute the act charged, as in burglary, perjury, larceny, etc. If an injury would be the natural consequence of the overt act on the part of the aggressor, an unlawful intent will be presumed, unless such presumption is overcome by the evidence.

Evidence of the drunken condition of the accused at the time of the commission of an alleged crime, may be introduced, not to excuse the act as such, but to aid the court in determining the degree of the crime. So, upon an indictment for murder, testimony as the drunkenness of the accused at the time of the killing may ordinarily be admitted as indicating a mental excitement, confusion, or unconsciousness incompatible under the circumstances of the case with premeditation or a deliberate intent to take life and as reducing the crime to the grade of manslaughter. On the other hand, where, to constitute the legal crime, there is required no peculiar intent—no wrongful intent other than that inferable from the act itself—as in cases of assault and battery, rape,

or arson, evidence that the offender was intoxicated would, strictly, not be admissible in defense.

BURDEN OF PROOF

N.C.B. §154 Burden of proof is defined as "the duty of proving the facts in dispute on an issue raised between the parties in a cause."

The law presumes every man innocent of crime. The prosecution has, in each case, the burden of overcoming this presumption. The guilt of the accused must be established by substantive proof. By the plea of "not guilty" every element of the crime specified is put in question, and the prosecution must affirmatively prove it, even though it be a matter of negative averment in the specification, proof of which is peculiarly within the knowledge of the accused.

N.C.B. §155 In collateral issues taken upon some matter during the course of a trial, such as, the competency of witnesses, the admissibility of evidence, and the like, the burden of proof naturally rests upon the party who alleges the incompetency or who objects to the admission of the particular evidence.

PRIMA FACIE CASE

N.C.B. §156 *Prima facie* (at first appearance) and sufficient evidence are synonymous. A prima facie case is one that is established by sufficient evidence and can be overthrown only by rebutting evidence adduced on the other side; it is the amount of evidence that would be sufficient to counterbalance the general presumption of innocence and warrant a conviction, if not encountered and controlled by evidence tending to contradict it, and render it improbable, or to prove facts inconsistent with it.

BURDEN OF PROCEEDING

N.C.B. §157 Burden of proof is sometimes confused with burden of proceeding, but this latter is something quite different. The burden of proof never shifts to the accused, but the burden of proceeding can, and frequently does, shift. If, for example, the prosecution (which bears the burden of proof) succeeds, by the introduction of such evidence as, in the judgment of the law, is sufficient to establish the guilt of the accused beyond a reasonable doubt, and establishes thereby a prima facie case against the accused, the accused will, therefore, be found guilty unless he introduces evidence which will rebut the evidence of the prosecution and break down the prima facie case against him. The burden of proof has not shifted to him but the burden of proceeding has.

PROOF BEYOND A REASONABLE DOUBT

N.C.B §158

If there is a reasonable doubt as to the guilt of the accused, he must be acquitted. If there is a reasonable doubt as to the degree of guilt, the finding must be in a lower degree on which there is no such doubt. In making its finding the court must strictly observe the rule that it must reach its conclusion solely from the evidence adduced. It is not necessary that each particular fact advanced by the prosecution should be proved beyond a reasonable doubt; it is sufficient to warrant conviction if, on the whole evidence, the court is satisfied beyond such doubt that the accused is guilty.

REASONABLE DOUBT DEFINED

N.C.B. §159

There has been much discussion and much written as to exactly what constitutes a "reasonable doubt." Underhill's *Criminal Evidence* takes twelve pages in an attempt to explain and define it, and the Naval Digest, 1916, takes most of page 506 and a part of page 507. Yet, the terms "reasonable doubt" and "reasonable certainty" seem perfectly clear from what the words themselves imply. If a man tells you that he fell on the ice, your mind doesn't picture him as bumping his head against the galley door. If you have a reasonable doubt as to the guilt of the accused, you are not fully convinced that he is entirely guilty. His guilt simply hasn't been proved to your satisfaction, and your mind entertains some doubt as to his guilt, or as to the degree of his guilt.

It has been said, and truthfully, that attempts to explain the term "reasonable doubt" do not usually result in making it any clearer to the minds of the jury. Reasonable doubt seems to be a term which one instinctively knows and understands from the meaning of the words, but a discussion of it seems to lead one into a veritable labyrinth of confusion.

In their arguments before submitting their cases to the court, judges advocate and counsels for the accused frequently "harp" on the subject of "proof beyond a reasonable doubt." Confusion frequently results in the minds of the members of the court, and, it is quite probable that many convening authorities have felt that the court, in reaching its finding and adjudging its sentence, had sought refuge behind "reasonable doubt" which, from reading over the evidence submitted to the court, they considered an "*un*reasonable doubt" amounting at times, almost to dereliction of duty.

Naval Courts and Boards, section 159, gives what is probably the best practical explanation of what really constitutes a reasonable doubt and the best definition of it for naval courts-martial to follow:

"By reasonable doubt is meant an honest, substantial misgiving generated by insufficiency of proof."

It is not a captious doubt, not a doubt suggested by the ingenuity of counsel or jury and unwarranted by the testimony, nor is it a doubt born of a merciful inclination to permit the defendant to escape conviction, nor prompted by sympathy for him or those connected with him. Proof beyond a reasonable doubt is not proof to a mathematical demonstration. It is not proof beyond the possibility of a mistake. A reasonable doubt is a doubt based upon reason and that which is reasonable in view of all the evidence. And if, after an impartial comparison and consideration of all the evidence, one can candidly say that he is not satisfied of the defendant's guilt, he has a reasonable doubt; but if, after such impartial comparison and consideration of all the evidence, one can truthfully say that he has an abiding conviction of the guilt of the defendant, such as one would be willing to act upon in the more weighty and important matters relating to one's own affairs, he has no reasonable doubt. A moral certainty of guilt persuaded by the proof calls for conviction. When such has been established a court can no more properly acquit than could it convict where there has been an insufficiency of proof.

DISTINCTION BETWEEN RELEVANCE AND COMPETENCE OF EVIDENCE

N.C.B. §160

Evidence to be admissible must be satisfactory from two standpoints: First, the standpoint of subject matter, and, second, that of form. Relevant evidence is evidence the subject matter of which relates to the issues, and in a court-martial this means that to be admissible the evidence must tend to prove or disprove the guilt of the accused. The relationship of the evidence to the question of the guilt of the accused must be sufficiently close to warrant consuming the court's time in hearing it. Competent evidence is evidence complying with the rules of law as to form, irrespective of subject matter; it is evidence offered in a form that the courts will admit.

EVIDENCE OF SIMILAR FACTS

N.C.B. §162

Evidence of similar facts may be allowed when the analogy is so close as practically to eliminate all difference. For example, if a man were arrested for breaking the speed laws, evidence that he was going fifty miles per hour at a point a mile from the place where he was arrested would be inadmissible. He might have slowed down, and, also, he wasn't arrested "one mile away." However, evidence that he was going at this speed at a point near the point where he was arrested would be admissible if there were no obstruction or crossing between the

two points, for here there is little likelihood that he had slowed down. In the latter case there is a relationship between the evidence and the issue. In the former, there is no relation to the issue although there is a relation to the offense.

EVIDENCE OF SIMILAR ACTS TO SHOW MOTIVE OR INTENT

N.C.B. §163

In cases requiring a specific intent evidence of similar acts previously done by the accused may be admissible to show the intent or motive with which the act was done. In an English case a man was being tried for pawning an imitation diamond as genuine. Evidence that he had shortly before tried to pawn other false articles was admitted. The rule set forth in this section is an exception to the general rule that—a distinct crime, unconnected with that alleged in the specification, cannot be given in evidence against the accused. But, where the felonious intent or guilty knowledge is a material part of the crime, as in cases of forgery, uttering false notes, fraud, etc., evidence is admissible of similar acts of the accused at different prior times, if such acts tend to prove the existence of such guilty knowledge or felonious intent. Crimes involving illicit sexual intercourse either in incest, adultery, or rape, at prior times, constitute another exception to the general rule.

At this point it would be well to distinguish between the words "motive" and "intent": Motive is that which influences the mind or will; an emotion, passion, or desire which incites or impels to action. In criminal law it is the inducement, or moving power, which leads or tempts the mind to indulge the criminal desire. Intent is the formulation of the mind to accomplish the motive. A good motive does not prevent an act from being a crime and in a clear case the motive is immaterial. In a circumstantial case, a knowledge of the motive will strengthen it.

CHARACTER EVIDENCE

N.C.B. §164

Character evidence is of two types, viz., (a) that introduced *before* the finding and tending to prove the guilt or innocence of the accused and (b) that which is introduced *after* the finding and which is, strictly speaking, not evidence but is more properly termed matter in mitigation.

The conduct record of the accused, introduced after the finding has been reached is not evidence, since it does not aid in determining any matter of fact. It is, however, considered by the court in adjudging the sentence. Previous convictions, especially for similar offenses, naturally call for a more severe punishment than would cases in which the record of the accused shows no previous convictions. This matter will be dealt with later in section 8.

Referring to (a), the accused may introduce evidence of his good character but this must be confined to the general reputation of the accused in the community in which he is known and must relate to those traits which are brought into question by the charges under which he is being tried. The prosecution may not evidence the doing of the act charged by invoking the bad character of the accused, but the accused having first offered evidence of his good character, the prosecution may then offer evidence in rebuttal under the same limitations as to any other kind of evidence.

N.C.B. §165 Matter in mitigation, referred to in (b) above, has for its purpose the lessening of the punishment to be assigned by the court, or the furnishing of grounds for a recommendation to clemency. As thus offered it has a wide latitude and is not, as in (a), limited to the general good character of the accused nor to the nature of the charges. Such matter may include particular acts of good conduct, bravery, etc., and may exhibit the reputation or record of the accused in the service for efficiency, fidelity, subordination, temperance, courage, or any of the other traits that go to make a good officer or enlisted man.

After the court has arrived at its finding, following either a plea of guilty or not guilty, the accused may introduce (1) matter in mitigation of the punishment, which is described above, and (2) matter in extenuation of the offense. The latter may properly explain the circumstances surrounding the commission of the offense, including the reasons that actuated the accused, but not extending to a legal justification. If matter purporting to be in extenuation or mitigation is introduced after a plea of guilty and is found to controvert any element of the offense, the court should proceed as set forth in section 417, Naval Courts and Boards. The accused may also at this time introduce matter from his service record and testimony as to past character.

MATTER IN AGGRAVATION AFTER A PLEA OF GUILTY

N.C.B. §166 A plea of guilty does not necessarily exclude testimony for the prosecution. The court has discretionary power as to the punishment to be adjudged. It is proper that it should have full knowledge of all the circumstances attending the offense. Therefore, when the judge advocate or recorder has knowledge that the offense as actually committed was of a more grave nature than appears merely on the face of the specification it is his duty to offer such testimony as tends to show the aggravating nature of the offense, but this should not relate to a separate and distinct offense. Matter of this type is introduced after the finding.

N.C.B. §167 After matter in extenuation, mitigation, or aggravation has been introduced the judge advocate or recorder or the accused has the right to cross-examine the witness and offer evidence in rebuttal.

HEARSAY EVIDENCE IN GENERAL INADMISSIBLE

N.C.B. §168

Hearsay evidence is evidence not of what a witness knows himself but that rests, in part at least, upon the credibility of others. The term may be used with reference to that which is written as well as that which is spoken. The general rule is that hearsay evidence is not admissible. It is objectionable, first, because it is not original evidence; second, the real witness is not testifying in court under the sanction of an oath; and, third, the accused has no opportunity to be confronted with the witness against him or to exercise his right of cross-examination.

HEARSAY EVIDENCE NOT TO BE CONFUSED WITH LITERAL ACCEPTANCE OF WORD "HEARSAY"

N.C.B §170

It does not necessarily follow that all evidence in respect to what a witness has heard is hearsay. Such evidence may constitute original facts, directly bearing on the issue, and as such may be original. For example, when the accused is charged with having spoken certain words, the testimony of a witness to the effect that he had heard the accused speak the words in question is original and not hearsay evidence. So also, writing may be hearsay if offered to prove the fact stated therein, and yet may be admissible if offered for another purpose. The distinction must be kept clearly in mind.

ILLUSTRATIONS OF HEARSAY

N.C.B. §171

The accused is being tried for desertion. *A* is able to testify that *B* told *A* that the accused told *B* that he (the accused) intended to desert at the first opportunity.

The accused is on trial for larceny of clothes from a locker. *A* is able to testify that *B* told *A* that he (*B*) about the time the clothes were stolen saw the accused leave the quarters with a bundle resembling clothes. Such testimony from *A* would be hearsay and would be inadmissible.

In the foregoing instances the fact that the accused said he intended to desert and that the accused left the quarters with a bundle constitute most important evidence and can be proved by *B*, but they cannot be proved by hearsay evidence, that is, by *A*.

HEARSAY NOT ADMISSIBLE BECAUSE MADE OFFICIALLY

N.C.B. §172

If evidence is hearsay the fact that it was made to an officer in the course of an official investigation does not make it admissible. Official statement and opinion as to the guilt or innocence of an accused person

expressed by an officer, as, for instance, a commanding officer, in an endorsement, is not admissible in evidence by reason of its official character or the rank or position of the officer making it, as it would be hearsay.

EXCEPTIONS TO THE HEARSAY RULE

N.C.B. §173

Because of the nature of the case, hearsay is sometimes the best evidence obtainable. There may be circumstances which tend to insure the truth of the evidence. The declarant may be dead or there may be other reasons why he is unobtainable as a witness. Certain exceptions are therefore made to the hearsay rule and, in these cases, hearsay is admissible. The principal exceptions likely to be encountered in the administration of naval law are:

(a) Confessions
(b) Admissions
(c) Pedigree
(d) Dying declarations
(e) Res gestæ (spontaneous statements)
(f) Statements of condition or intention
(g) Documentary evidence

There are a few other recognized exceptions, but their occurrence in naval courts-martial cases will be rare.

CONFESSIONS

N.C.B. §174

A confession is an acknowledgement of guilt. If admissible, corroborated, and believed, nothing further is necessary for a finding of guilt. A confession, strictly speaking, is hearsay. However, it may be repeated in evidence by a person hearing it if it was given voluntarily.

It must be affirmatively shown that the confession was entirely voluntary on the part of the accused. A confession is, in a legal sense, "voluntary" when it is not induced or materially influenced by hope of release or other benefit or fear of punishment or injury inspired by one in authority or, more specifically, where it is not induced or influenced by words or acts, such as promises, assurances, threats, harsh treatment, or the like on the part of an official or other person competent to effectuate what is promised, threatened, etc., or at least believed to be competent by the person confessing. The reason for the rule is that where the confession is not thus shown to be voluntary there is always ground to believe that it may not be true. Confessions made by bluejackets to officers or petty officers, though not shown to have been made under the influence of promises or threats, etc., should nevertheless be received with caution, because of the military relations of the parties. The fact that an accused has signed a paper confessing

his guilt, stating in the paper that he confesses freely without hope of reward or fear of punishment, is not conclusive that the confession was voluntary.

In Court-Martial Order 10, 1939, page 9, there is contained a form of warning to an accused person which the Navy Department has described as "splendid." In part, the accused, an enlisted man, after having been warned that what he said might be used against him, was further told that, "You may do well to regard me as your worst enemy."

A confession must be offered in its entirety, so that the accused receives the benefit of having all of his statements construed together to reach their full and actual meaning. N.C.B. §175

CONFESSIONS AND THE *CORPUS DELICTI*

An accused may not be convicted on his extrajudicial (out of court) confession alone. It must be corroborated by independent evidence. This evidence, however, need not be such as alone to establish the *corpus delicti* beyond a reasonable doubt; it is sufficient if, when considered in connection with the confession, it satisfies the court beyond a reasonable doubt that the offense was committed and that the accused committed it. N.C.B. §176

COURT DECIDES ADMISSIBILITY

The burden is upon the side wishing to introduce a confession to show that it was voluntarily made. The question of whether the confession was voluntary is for the court to decide. N.C.B. §177

ANY INFORMATION OBTAINED THROUGH A CONFESSION IS ADMISSIBLE

Although the confession may not be admissible, if any information given in it leads to the discovery of facts which can be proved by other evidence, these facts may be shown. N.C.B. §179

ADMISSIONS

In many instances an accused has made statements which fall short of being a confession or an acknowledgement of guilt, but which nevertheless, constitute important admissions as to his connection or possible connection with the offense charged. N.C.B. §182

Likewise, any voluntary statement by one accused of or suspected of crime, relating to some particular fact or circumstance and not the whole charge, which indicates a consciousness of guilt and tends to

connect him with the crime charged and to incriminate him is admissible as an admission against interest. An "admission" is something less than a "confession," as it acknowledges only some particular fact or circumstance, pertinent to the issues and tending to prove guilt in connection with other circumstances, while a "confession" covers the whole transaction, admitting guilt.

ADMISSIONS IN OPEN COURT

N.C.B. §183

An admission in open court, when such admission is voluntarily made by the accused or by his counsel in his presence and with his express or implied authority, is a judicial acknowledgement of the matter admitted and dispenses with the necessity of evidence to establish it. For example, after arraignment the accused will frequently admit that his name and rate or rank as given in the charges and specifications is correct and that he was at the time alleged attached to and serving on board the ship or station named therein.

ADMISSIONS BY CONDUCT OR BY SILENCE

N.C.B. §184 §185

Admissions may consist of conduct, such as flight, concealment, destruction or fabrication of evidence, bribery or even silence.

The silence of a party when he would naturally be expected to speak may be evidence against him. It must be shown that the accused heard or was in a position to have heard the statements against him, and the circumstances must have been such as naturally and reasonably to have called for a reply from him.

ADMISSIONS OF AN ACCUSED ARE AVAILABLE AGAINST OTHERS ENGAGED WITH HIM IN A JOINT CRIMINAL UNDERTAKING

N.C.B. §189

Admissions made by an accused are available to be used against others engaged with him in a joint criminal undertaking. Admissions of one joint conspirator are available against the others. Only where such statements fall within the *res gestæ* rule could they be admissible for the defense.

However, from the character of the association so formed, the uncorroborated testimony or admission of a co-conspirator or accomplice should be received with caution.

PEDIGREE

N.C.B. §187

A man may testify to his own age, facts of family history such as birth, parentage, relationship, marriage, etc. These are admissible as

matters of general family repute although much of such testimony would be clearly hearsay.

Much of our knowledge respecting facts of pedigree and relationship is based upon the statements of others. It being a subject of family concern and interest, and there being seldom any motive for misstatement, declarations of this sort possess a reliability beyond that possessed by ordinary statements. Where the question of pedigree is one of some years back, it is generally the case that there is no living witness who has personal knowledge of the facts, it therefore, becomes necessary, if any proof at all is to be had, to resort to what may be said to be the reputation in the family concerning the facts; that is, what has been handed down from father to son, or by some other form of hearsay evidence.

DYING DECLARATIONS

N.C.B §188

Under indictments for murder and manslaughter, the law recognizes an exception to the rule rejecting hearsay, by allowing the dying declarations of the victim of the crime, in regard to the circumstances which have induced his present condition, and especially as to the person by whom the violence was committed, to be detailed in evidence by one who has heard them. It is necessary, however, to the competency of testimony of this character—and it must be proved as preliminary to the proof of the declaration—that the person whose words are repeated by the witness should have been under a sense of impending death; though it is not necessary that he should himself state that he speaks under this impression, provided the fact is otherwise shown. It is no objection to testimony of this character that such declarations were brought out in answer to leading questions, or upon urgent solicitations addressed to him by any person or persons; and if, instead of speaking, he answered the questions by intelligible signs, these signs may be equally testified to. Dying declarations are admissible as well in favor of the accused as against him. Evidence of such declarations should be received only with great caution, owing to the circumstances surrounding their making and the absence of the ordinary legal safeguards.

RES GESTÆ OR SPONTANEOUS STATEMENTS

N.C.B. §189 §190

Res gestæ (pronounced rēz jĕs′ tē) consists of involuntary exclamations made contemporaneously with the main occurrence, and inspired by sudden fright or excitement. It has been defined to be declarations of the individual made at the moment of a particular occurrence, when the circumstances are such that we may assume that his mind is controlled by the event, and may be received in evidence because they are supposed to be expressions involuntarily forced out of him by the

particular event and thus have an element of truthfulness which they might otherwise not have. In other words, the emotion or excitement of the moment has literally "scared the truth out of him."

To be admissible they must have been not mere narratives of past occurrences, but must have been *made at the time the act was done.*

Examples of it are threats or declarations of the accused in connection with his commission of the crime that indicates his intent or knowledge; declaration or exclamations of a party injured that go to indicate the nature of the violence and the party responsible; language of accomplices; cries of bystanders; facts, circumstances, and declarations showing premeditation and preparation for the crime.

The *res gestæ* is considered as an act connected with or an incident of a main transaction, and not as testimony.

The following examples illustrate what constitutes the *res gestæ:* Where a man is charged with murder and the person against whom the violence is offered is another man, and wife of the former, while walking with the latter, exclaims, "Run, here comes my jealous husband and he will kill you." Her exclamations would be admitted as part of the *res gestæ.* If the man had then fled to his house pursued by her husband, and she had followed to deter him from injuring the other man and later had run from the house shouting, "My husband is killing Jones" or "has just killed Jones," her exclamations would be admissible as constituting a part of the *res gestæ.* If a party in the next room had heard a shot and then a voice that he recognized as Jones' say, "You shot me for revenge and nothing else," the declaration would be considered as part of the *res gestæ.*

STATEMENTS OF CONDITION OR INTENTION

N.C.B. §191

The person injured by the crime, whether dead or alive, is in no sense a party to the prosecution, and his statements made out of court are not evidence either for or against the accused, unless admissible under one of the exceptions already given, or unless they are made to a physician or other person, where relevant, for the sole purpose of showing physical condition at the time. This rule does not justify admission of a narrative statement as to the cause of the injury or illness.

Statements of intention are considered as verbal acts from which the state of mind or intention may be inferred in the same manner as from behavior, appearance, or actions generally.

DOCUMENTARY EVIDENCE

N.C.B. §193

All evidence submitted to a court other than that given by oral testimony is, by some authorities, roughly classified as "documentary evidence." More specifically, however, documentary evidence includes

deeds, agreements, title papers, letters, receipts, and other written instruments used to prove a fact and delivered in evidence (in the forms established by law) of whatever nature such evidence may be. It may also include public records; judicial writings such as inquisitions and depositions; public documents having a semi-official character such as statute books, Congressional documents; and private writings.

In oral, or "parol evidence," the witness on the stand speaks, and from the very fact of his presence in court, his competence and credibility can be tested to the satisfaction of both sides and the court. Documentary and real evidence, being in themselves, for the most part, inanimate writings and objects, must satisfy certain fundamental rules, which experience has demonstrated to be either necessary or useful, before they can be properly introduced as or accepted in evidence before a court. Whereas, in general, the competency of a witness in oral evidence is proved by a legal presumption, in documentary evidence the credit of the witness (which in this case is the paper, writing, or document) must be tested and proved by the cross-examination of those who must be called before the court to prove its competency.

These general rules, which of course, admit of exceptions, are known as:

Rule 1. Best evidence rule.
Rule 2. Parol evidence rule.
Rule 3. The document must be properly introduced in evidence.
Rule 4. The document must be properly authenticated.
Rule 5. The document must be offered in full in evidence.
Rule 6. The hearsay rule.

RULE 1—BEST EVIDENCE RULE

N.C.B §194

The term "best evidence" is confined to cases where the law has divided evidence into primary and secondary evidence. That is, between the best evidence of which a case in its nature is susceptible, and that species of proof which is admissible on the loss of primary evidence and which becomes, by that event, the best evidence.

Best evidence is defined as "the best evidence which the nature of the case admits." It is not necessarily the highest or the strongest which the nature of the thing to be proved admits of. For example, a copy of a deed is not the best evidence; the deed itself is better. The copy of a document is forbidden admission in evidence so long as the original is unaccounted for. If it can be shown that the original has been lost or destroyed, without the fault of the party offering the copy, the copy may be admitted.

A patrol officer's written report against an offender is not the best evidence when the patrol officer himself can be summoned as a witness to testify before the court regarding the offense. In general, where

witnesses are available, who can testify of their own knowledge of the circumstances in connection with an offense, their testimony should be offered in evidence rather than written reports.

N.C.B. §195 When the original consists of numerous accounts or other documents that can not be examined by the court without great loss of time, and the fact sought to be established from them is only the general result of the whole, parol evidence may be received, as an exception to the best evidence rule, to establish the general result without reading the

N.C.B. §196 records. Another exception is found in the case of official records and certificates. In such cases the law provides that copies of records, etc., of the Government, duly authenticated under official seal, shall be admitted in evidence equally with the originals thereof.

RULE 2—PAROL EVIDENCE RULE

N.C.B. §197 This rule is that the contents of a written instrument can not be altered by oral declarations, and the evidence tending to show such alterations will not be received or heard.

RULE 3—THE DOCUMENT MUST BE PROPERLY INTRODUCED IN EVIDENCE

N.C.B. §198 When documentary evidence is offered before courts-martial, it must be in public session of the court, and the proper procedure is as follows: The proper custodian (the judge advocate, recorder, or other person properly having the document in his possession) takes the stand as a witness to identify such document; the party offering the document presents it to the opposite party and to the court for inspection and opportunity to interpose objection to its admission; and then, if there be no reasonable objection interposed, the witness reads therefrom such entries as may be pertinent to the issue. Should objection be interposed by either party to the trial, the court will rule upon the objection, and the decision of the court thereon will be final, subject to consideration by the reviewing authorities.

RULE 4—AUTHENTICATION

N.C.B. §199 Every document or other writing offered in evidence must be authenticated; that is to say, its genuineness must be proved. This may be proved like any other fact—by calling a witness who saw it executed, or to testify as to handwriting. It may be done under the exception to the hearsay rule for official documents, as where a notary's certificate of an absent party's acknowledgement is used, or where an official copy by the custodian is used. In all such cases of the use of official documents proof of authenticity is facilitated by the presumption of genuineness

which attaches to an official seal or signature, with recital of the official title of the person signing. No further evidence of authenticity is needed where this presumption applies, unless the other side rebuts it. This does not apply, however, where the document appears on its face of doubtful veracity. It is proper to call witnesses to show that a writing offered in evidence is not competent in that it can not be relied upon owing to the way it was prepared, or for any other reason that may render it incompetent. Also it may be shown that entries in a document have been made by unauthorized persons, or that the document is a forgery. The party producing a document which has been altered in a part material to the question in dispute, and which appears to have been altered after its execution, must satisfactorily account for the appearance of the alteration before the document can be received in evidence.

RULE 5—THE DOCUMENT MUST BE OFFERED IN FULL IN EVIDENCE

N.C.B. §200

Although only a part of a document may have been read to the court, or only a general result deduced therefrom may have been testified to, the document in full must have been offered and received in evidence before such testimony can be received. The opposite party is thus afforded an opportunity to call upon the witness to read such additional entries as may be pertinent to the issue and for which the party introducing the document failed to call. Thus, if the question at the time before the court is the character of an accused, and the defense has introduced in evidence his service record from which it has been shown that the accused has an average of 4.0 in markings in sobriety, the judge advocate, by cross-examination, can require the witness to read the marks of the accused in obedience, in order to show that the accused has a number of low marks therein or that his average therein is low. In other words, the rule provides an opportunity for the court to have before it all the information contained in the document, and the party introducing it in evidence can not pick and choose therefrom the points he desires to set forth and suppress the remainder. However, documentary evidence offered to a court need not necessarily be a record complete in itself. For example, when, under article 60, Articles for the Government of the Navy, the record of testimony of a witness, from whom oral testimony can not be obtained, given before a court of inquiry, is offered in evidence before a general court-martial, the full document admissible in evidence is the record of the entire testimony of such witness before the court of inquiry and not the whole record of proceedings of such court.

RULE 6—HEARSAY RULE

N.C.B. §201

Where the author of a document does not appear as a witness, it remains only a hearsay statement and can be received only under some

exception to the hearsay rule. Thus, in general, ex parte affidavits, letters from the family of the accused, certificates from a physician that an accused has been under medical treatment, etc., the admission of which would, in effect, permit the author to testify without submitting him to cross-examination, are mere hearsay statements and are inadmissible in evidence. Entries in books of account of a deceased person and official records and certificates are the most common examples of statements admissible as an exception to the hearsay rule. Some of these exceptions will be dealt with in more detail in the following paragraphs.

EXCEPTION IN THE CASE OF ENTRIES IN THE REGULAR COURSE OF BUSINESS

N.C.B. §202 Any writing or record, whether in the form of an entry in a book or otherwise, made as a memorandum or record of any act, transaction, occurrence, or event, shall be admissible as evidence of said act, etc., if it shall appear that it was made in the regular course of any business, and that it was the regular course of such business to make such memorandum or record at the time of such act, transaction, occurrence, or event or within a reasonable time thereafter.

N.C.B. §203 The distinction must be recognized between cases in which a document is offered as evidence of the truth of the facts stated therein and those in which it is not so offered. For example, in a case where the specification alleged that certain conduct brought disgrace and scandal upon the naval service, it was held that a newspaper was properly admissible in evidence, not as evidence of the facts stated therein in regard to the conduct of the accused which must be otherwise established, but as evidence of the publicity which was given the alleged misconduct, for which purpose it was not hearsay but was the best evidence.

N.C.B. §204 It is a general rule that private documents of an ex parte nature, such as affidavits, are not admissible, if objected to, as evidence of the subject matter therein contained.

N.C.B. §205 If competent and relevant a letter or telegram is admissible, but before a letter can be received against the accused it must be shown that he wrote, dictated, or signed it.

MEMORANDA IN EVIDENCE

N.C.B. §207 A memorandum properly proved correct when made may be introduced into evidence.

N.C.B. §280 §281 Memoranda may be used in two ways:

(a) To refresh recollection, and

(b) To supplement recollection.

The distinction between these two is important. A witness whose memory fails him on a particular point may be allowed, ordinarily, to refresh his memory from a memorandum made at the time. If, after consulting the memorandum, he is able to recall the fact and then, putting the memorandum aside, he can testify as to the occurrence from his own recollection, he may do so. In such cases the memoranda are not evidence. It is only the witness's testimony that is evidence, and he testifies then from his present recollection, although his present recollection has been aroused by the memorandum.

In many cases a witness is unable to testify as to a certain fact from his present recollection, but can testify only that he made a memorandum of such fact and that the statement which he made in the memorandum is true; or that he personally knows that a memorandum made by another was truly made. The matter must have been fresh in the maker's mind when the memorandum was written. The memorandum must be identified and is then admissible in evidence.

DEPOSITIONS

A deposition is the testimony of a witness, put or taken down in writing, under oath or affirmation, before an officer empowered to administer oaths, in answer to interrogatories and cross-interrogatories submitted by the party desiring the deposition and the opposite party. N.C.B. §211

An affidavit is a statement or declaration reduced to writing and sworn or affirmed to before some officer who has authority to administer an oath or affirmation. It differs from a deposition in this, that in the latter the opposite party has an opportunity to cross-examine the witness, whereas the affidavit is always taken ex parte. An affidavit is not admissible in evidence. N.C.B. §217

For the manner of taking and introducing a deposition see Naval Courts and Boards, sections 212 to 216, inclusive, and Articles for the Government of the Navy, article 68.

OPINION EVIDENCE

It is a general rule of law that inferences are for the jury or the court and that witnesses must confine themselves to facts and to matters within their own knowledge. N.C.B. §224

A fact is something cognizable by the senses, an action, a thing done, a circumstance. An opinion is an inference stated by a witness as distinguished from a fact. What a witness thinks in respect to matters in issue is matter of opinion and he cannot state it.

There are three principal exceptions to the general rule excluding opinion evidence, these are given in the three following paragraphs.

OPINIONS ARISING FROM FACTS OF DAILY OBSERVATION AND EXPERIENCE FORMING THE BASIS OF CONCLUSIONS OF FACT

N.C.B. §227 Opinions which are practically instantaneous conclusions drawn from numerous facts within the daily observation and experience of a witness are admissible. In this class are opinions based upon the demeanor or appearance of a person, as to his sanity, sobriety, identity, or resemblance to another, his physical condition; or his temperamental condition, whether cool or excited, and the like. Any intelligent witness may testify as to his opinions of this character, which are merely conclusions of fact drawn from matters of everyday occurrence.

OPINIONS AS TO HANDWRITING

N.C.B. §228 When there is a question as to the person by whom any document was written or signed, the opinion of any person acquainted with the handwriting of the supposed writer, to the effect that it was or was not written or signed by him, is admissible in evidence.

OPINIONS OF EXPERTS

N.C.B §229 In cases involving questions requiring for their solution a knowledge of some specialty, the opinions of qualified experts in such specialty may be given in evidence. Before a witness can testify as an expert he must qualify as such, and in addition, the necessity for his appearance must be established before his opinion should be received.

N.C.B. §230 The opinion of an expert witness may be obtained by means of a hypothetical question, and in putting such a question, facts may be assumed which there is evidence on either side tending to establish, but the facts must be stated without comment.

REAL EVIDENCE

N.C.B. §231 Real evidence is a term applied loosely to indicate objects of all sorts material to the issue, or almost any kind of evidence, except the testimony of witnesses or writings. Common instances are the weapons with which crimes are committed, articles stolen, and, in general, all objects which are relevant to the case.

N.C.B. §232 In general, the same rules apply to real evidence as to verbal testimony. It must be relevant and it must throw some light on the issues. Thus it is proper in a case of assault and wounding to allow the witness to show the wound or scar resulting.

EVIDENCE INCOMPETENT ON ACCOUNT OF CHARACTER OR CIRCUMSTANCES OF PARTIES

N.C.B. §233

Evidence which might be admissible under any of the foregoing rules may still be excluded on account of the character or circumstances of the party offering to give it. This is considered in the following paragraphs.

ACCUSED AS A WITNESS

N.C.B. §234

Under the common law a person was not allowed to testify in his own interest. This was on the theory that such testimony would be so biased that it could not be believed. Such matters are now considered in weighing the testimony. The law now provides that the accused shall, at his own request, but not otherwise, be a competent witness, and shall be allowed to testify in his own behalf, and his failure to make such request shall not create a presumption against him. Care must be taken by the court that the accused is not placed on the stand unless he himself requests that he be permitted to testify, otherwise a fatal error is committed. The record must affirmatively show that the statutory request was in fact made. Any comment at any time, especially hostile comment, on the failure of the accused to request that he be allowed to testify in his own behalf is improper.

COMPELLING ACCUSED TO CRIMINATE HIMSELF

N.C.B. §235

The Constitution provides that no person shall be compelled to give any evidence against himself. The prohibition of the fifth amendment against compelling a man to give evidence against himself is a prohibition of the use of physical or moral compulsion to extort communications from him and not an exclusion of his body as evidence when it is material. For example, the admission of testimony as to marks and scars found upon the person of the defendant, in a criminal prosecution, during a forcible examination of him with a view to determining his identity for the purpose of arresting him, is not prohibited.

But neither the accused nor any other witness can be compelled to manufacture evidence against himself, as by writing the name in an alleged forged instrument. Such evidence, obtained under compulsion, is incompetent and should not be received though no objection is made.

TESTIMONY OF AN ACCOMPLICE

N.C.B. §236

An accomplice is always competent to testify, whether he be charged jointly or separately. He is privileged to refuse to answer and can not be required to answer questions whose answers might tend to incriminate

him, but this privilege is personal and may be claimed by the accomplice only when as a witness he is asked a question the answer to which might tend to incriminate him. The privilege ceases, however, when his own trial is completed. The weight to be given testimony of accomplices is for the court to determine.

MEMBER OR JUDGE ADVOCATE AS A WITNESS

N.C.B. §237

A member, the judge advocate, or recorder of a court is a competent witness. If required to testify such witness should be the first called, except in the cases of the judge advocate or recorder called as the official custodian of a document.

When a member has so testified as a witness, he shall be considered as challenged under the conditions of section 389, Naval Courts and Boards.

TESTIMONY OF HUSBAND AND WIFE

N.C.B. §238

The rule for naval courts-martial to follow in case of testimony of husband and wife is summarized as follows:

(a) The wife or husband of an accused *may testify on behalf* of the accused without restriction, but when so testifying shall be subject to cross-examination in the same manner as an accused testifying at his own request.

(b) The wife or husband of an accused *may not* be called to *testify against* the accused without the consent of both accused and witness, unless on a charge of an offense committed by the accused against the witness.

(c) The wife or husband of any person may not testify to *confidential communications* of the other, unless the other give consent.

TESTIMONY OF COUNSEL

N.C.B. §239

Testimony of counsel as to matters communicated to him by the accused will not be heard. It does not matter that the counsel does not act as such at the trial; it is enough that he has been consulted as a tentative counsel. If the accused personally agree that such testimony be competent it becomes so. If, however, such communications clearly contemplate the commission of a future crime, as, for example, perjury or subornation of perjury, the testimony will be competent.

TESTIMONY OF MEDICAL OFFICERS AND CIVILIAN PHYSICIANS

N.C.B. §240

It is the duty of medical officers to attend officers when sick, to make the annual physical examination of officers, to examine applicants for enlistment, and they may be specially directed to observe an

officer or man or specially to examine or attend him; such observations, examinations, or attendance would be official and the information acquired would be official. While the ethics of the medical profession forbid doctors divulging to unauthorized persons the information thus obtained and the statements thus made to them, such information and statements do not possess the character of privileged communications. If a medical officer, when called as a witness before a court-martial, refuses to testify to such matters, he is subject to punishment under the 42d article of Articles for the Government of the Navy.

TESTIMONY OF CHILDREN

N.C.B. §241

The admissibility of testimony of children is not regulated by their age, but by their apparent sense and understanding. The court may, in its discretion, receive the testimony of any child regardless of age, and give it weight as it may appear to deserve; provided, only that in the opinion of the court, the child understands the moral importance of telling the truth, to be sure of which the court may examine the child.

TESTIMONY OF WITNESS MENTALLY DEFICIENT

N.C.B. §242

Mental incapacity is a disqualification, but only to a limited extent, as follows: Insanity or intoxication may disqualify, but only to the extent to which they affect the subject of the testimony. For example, a religious hallucination as to angels saving a man from bullets does not disqualify the person from testifying as to the time of lighting a fire or the persons on duty on a certain post. Intoxication would disqualify only if it were so complete as to render the person senseless at the time of the event to be testified to.

The sanity of a witness having been questioned, the court must judicially determine this fact before permitting the witness to testify. When a witness is objected to on the ground of insanity, there are two usual methods of proving whether or not he is competent to testify, the first being from the testimony of medical authorities who have made a special study of mental diseases, and the second being from the opinions of persons of ordinary intelligence who have been acquainted with and who have had opportunity of observing the party under examination.

WITNESSES BEFORE NAVAL COURTS GENERALLY COMPETENT

N.C.B. §243

Matters that were once regarded as affecting the competency of witnesses are now treated as bearing only upon their credibility. As a general rule, the exceptions to which appear in the preceding paragraphs, all witnesses capable of so doing are entitled to testify, and it rests with the court in its capacity as jury to decide how much weight is to be given their testimony.

A presumption always exists in favor of the competency of a witness whose testimony is offered, and the burden of proving the contrary rests on the party objecting. In deciding upon the competency of a witness the court acts in the capacity of a judge, while in determining questions of credibility it acts in the capacity of a jury.

PERSONS AMENABLE TO SERVICE AS WITNESSES

N.C.B. §244

All persons are amenable to the service of process to appear as witnesses. One who has disobeyed a subpoena or a summons can show as a defense to a proceeding to punish for contempt that it was impossible for him to appear, or that by reason of illness or otherwise his life would have been endangered; but no duty, except of the most imperative kind, nor any business engagement, is a valid excuse for failure to attend.

JUDGE ADVOCATE SUMMONS WITNESSES

N.C.B. §245

The judge advocate shall summon as witnesses persons whose testimony is necessary to the trial, whether for the prosecution or defense; but shall not, except as hereinafter indicated, summon any witness at the expense of the United States.

The written instrument that serves to summon a witness who is in the naval service is termed a "summons"; a witness who is not in the service a "subpoena" (literally "under penalty").

SUMMONING OF WITNESSES IN NAVAL OR MILITARY SERVICE

N.C.B. §246

When it is desired to summon a witness who is in the naval or military service, the summons shall, whenever possible, be forwarded through official channels. When such witness is present at the place where the court convenes he is simply notified, orally or otherwise, through the regular channels, of the time and place he is to appear. When the witness is not present where the court-martial is convened, the procedure set forth in section 246, Naval Courts and Boards, shall be followed.

SUBPOENA OF CIVILIAN WITNESSES

N.C.B. §247

A naval court-martial has the power to subpoena civilian witnesses and such subpoenas run throughout the United States, however, only a general court-martial and a court of inquiry can *compel* the attendance of such witnesses. This power to compel the attendance of civilian witnesses does not apply beyond the state, territory, or the District of Columbia in which the naval court is held. The foregoing power is conferred upon the courts by the 42d article of Articles for the Government of the Navy.

The judge advocate is not authorized to subpoena as a witness, at

the expense of the United States, any civilian who is not within the limits in which the court can compel attendance, even though such witness is considered a material one and be willing to attend. In such cases the judge advocate shall forward the subpoena to the Secretary of the Navy, together with the information, and in the manner required when forwarding a summons for a naval witness who is not present at the station where the court-martial is convened. N.C.B. §248

PRIVILEGE OF WITNESS IN NOT ANSWERING CERTAIN QUESTIONS

Although every person is amenable to the service of process to appear and testify, a witness may be privileged with respect to certain testimony, or there may be certain matters concerning which he may claim the privilege of not testifying. This privilege should be distinguished from the incompetency attaching to certain testimony, as of husband and wife, and of an attorney as set forth in sections 238 and 239, Naval Courts and Boards. The principal cases of privilege are: N.C.B. §261

(a) State secrets—This class of privilege covers all the departments of the Government, and its immunity rests upon the belief that the public interests would suffer by a disclosure of state affairs. The scope of this class is very extended, and the question of the inclusion of a given matter therein is decided by a consideration of the requirements of public policy with reference to such matter.

(b) Criminating questions—All questions whose answers would expose the witness to a criminal prosecution or penal action come under the head of criminating questions. A witness may properly decline to answer a criminating question. If the declination be sustained by the court, no inference therefrom or comment thereon is permissible.

(c) Degrading questions—A witness may also properly decline to answer where the inquiry is as to collateral, irrelevant, or immaterial matters on the ground that his answer will have the direct effect of degrading or disgracing him, as, for example, in a case where his answer could have no effect upon the case except to impair his credibility. He may, however, be compelled to answer as to a matter which is material to the issue or trial, notwithstanding the fact that his answer may tend to disgrace him or bring him into disrepute, unless his answer would also tend to incriminate him in addition to degrading him.

PRIVILEGE OF ACCUSED IN NOT ANSWERING CERTAIN QUESTIONS

The accused not only has an absolute privilege not to testify, but it must explicitly appear that he waives this privilege before he can be allowed to testify. Having elected to take the stand in his own behalf the accused occupies the same status as any other witness. The accused is not disqualified because of his presence in court during the examina- N.C.B. §262

tion of all other witnesses, although this may have great influence on the weight to be given his testimony.

PRIVILEGE IS PERSONAL

N.C.B. §263 The privilege of declining to answer on ground of incrimination or self-degradation is a purely personal one and can be claimed only by the witness himself, and not by the accused, counsel, or any other person. In proper cases, however, the court may, in its discretion, inform the witness of his rights. The accused can not object to such testimony, and the witness may waive his privilege and testify in spite of any objection coming from the accused, his counsel, or any other person. If the witness claim this privilege, but is nevertheless required to testify, it is a matter exclusively between the court and the witness.

ORDER FOR INTRODUCTION OF EVIDENCE

N.C.B. §266 The proper and usual order and sequence for the introduction of evidence is as follows:

(a) By the prosecution.
(b) By the defense.
(c) Rebuttal by the prosecution.
(d) Surrebuttal by the defense.

The court may, in the interests of justice, allow evidence to be introduced out of the above order and may, for satisfactory cause, allow the prosecution or the defense to introduce evidence at any time before arriving at its findings thereon, but it shall not thereafter receive any new evidence. All evidence, whatever its nature, shall be recorded in the proceedings in the order in which it is received by the court.

WITNESSES EXAMINED APART FROM EACH OTHER

N.C.B. §269 Witnesses are examined apart from each other and no witness is allowed to be present during the examination of another. Should a witness inadvertently be present during the examination of another, he is not thereby disqualified from testifying but such fact should be brought out in cross-examination as affecting the credibility of the witness.

N.C.B. §270 Any objection to a witness's competency should be made before he is sworn.

ORDER FOR EXAMINATION OF WITNESSES

N.C.B. §272 The proper order for examination of a witness is as follows:

(a) Direct examination by the party who calls him.
(b) Cross-examination by the opposite party.

(c) Redirect examination.

(d) Recross-examination.

The court may, in the interests of justice, allow further examination by the parties. Any member of the court may put questions to the witness and such questions are subject to objection in the same manner as are questions by parties to the trial. Upon new matter elicited by the examination of the court, the judge advocate and the accused may further examine the witness.

DIRECT EXAMINATION OR EXAMINATION IN CHIEF

N.C.B §273

Testimony is ordinarily given orally in court in the form of answers to questions put to the witness by both sides. A witness is first questioned, or examined, as it is called, by the side which calls him; such examination being termed his direct examination or examination in chief. This direct examination forms the basis for further examination. But such further examination can not properly be used to extend the scope of the witness's testimony. All facts desired from a witness must be brought out in the direct examination. If additional facts be attempted to be brought out in any subsequent examination of the witness they may be objected to. A witness must identify himself and then he must identify the accused, if possible. These preliminary questions are asked by the recorder or judge advocate. The examination is then continued by the side calling the witness. All questions and answers are recorded in full, and as far as possible in the exact language of the witness. If objection is made to a question the reason for the objection will be stated.

IDENTIFICATION OF THE ACCUSED

N.C.B. §274

The identity of the accused should be carefully proved in order that it may be established—

(a) That the person now in court as accused is the same person described in the specification by name, rate, and station.

(b) That the person now in court as accused (irrespective of his name, etc.), is the very person who did the act charged and to which act the witness's testimony will refer.

LEADING QUESTIONS

N.C.B. §275

On the examination in chief leading questions are generally improper. A leading question means what its name implies—one which leads the witness up to the desired answer; i.e., one which is put in such a way as to suggest to the witness the answer which is expected or wanted. There is no particular form which will make a question leading, or will save it from being such. The fact that the question is put so as to require a

categorical answer does not necessarily make it leading, though it may do so; nor does the fact that the question is prefaced by "whether or not," so as to avoid a categorical answer, save it from being leading. A question is not necessarily leading because it may be answered "yes" or "no."

N.C.B. §276 The question, "State whether or not you, in substance or effect, addressed the defendant as one of those concerned in the transaction," is clearly leading and is also a double question. It was then changed to, "How did you address the defendant in respect to his being one of the persons concerned?" and still held to be leading. The question, "Did you hear the accused say he did not intend to come back?" is leading. The proper form would be, "Did the accused say anything?" If the answer is in the affirmative, add "State what he said." On a knife being introduced into evidence a witness should not be asked on direct examination "Is this the knife you saw the accused stab the deceased with?" He should first be asked whether he recognizes the knife, and if he answers that he does, then he may be asked where and under what circumstances he has seen it before.

WHEN LEADING QUESTIONS ARE ALLOWED

N.C.B. §277 Leading questions are allowed under the following circumstances:

(a) To abridge the proceedings the witness may be led at once to points on which he is to testify.

(b) When the witness appears to be hostile to the party calling him or is manifestly unwilling to give testimony.

(c) Where, from the nature of the case, the mind of the witness can not be directed to the subject of the inquiry without a particular specification of it, as where he is called to contradict another witness who has testified that the accused made a certain statement on a certain occasion in the hearing of a number of enlisted men.

(d) In order to expedite the trial, if this will not prejudice the rights of the accused, or the prosecution.

(e) By the court, in its discretion, when necessary to elicit facts.

(f) On cross-examination.

DOUBLE QUESTIONS

N.C.B §278 Double questions are questions embodying two or more separate elements or questions, and should never be permitted. For example, the question, "Did you see the accused leave his quarters with a bundle under his arm?" besides being a leading question, is double. In reality it consists of three questions, viz: (a) Did you see the accused? (b) If so, was he leaving his quarters when you saw him? (c) If so, did he have a bundle under his arm? Such a question must never be permitted to be asked of a witness at any time or under any circumstances.

QUESTIONS CALLING FOR OPINION OR CONCLUSION OF WITNESS SHOULD NOT BE ALLOWED

N.C.B. §279

As a general rule questions calling for an opinion or conclusion of a witness should not be allowed. A witness must state facts and not his opinions as to facts, or as it is technically termed, he must not testify as to conclusions. In this connection the exceptions noted in paragraph C-195 and following should be consulted.

CROSS-EXAMINATION

N.C.B. §282

The power of cross-examination is the most efficacious test which the law has devised for the discovery of truth. It is not easy for a witness, who is subjected to this test, to impose on a court or jury; for, however artful the fabrication of falsehood may be, it can not embrace all the circumstances to which a cross-examination may be extended. In general the cross-examination will be limited to matters brought out by the direct examination of the witness, but in the discretion of the court minor exceptions may be made to this rule.

As it is the purpose of the cross-examination to test the credibility of the witness, it is permissible to investigate the situation of the witness with respect to the parties and the offense, his interest, his motives, inclinations, and prejudices, his means of obtaining a correct and certain knowledge of the facts to which he bears testimony, the manner in which he has used those means, his powers of discernment, memory and description. Leading questions may be used freely on cross-examination.

While a wide latitude should be allowed in cross-examination, courts should distinguish between the legitimate ends of cross-examination and the mere pointless harassing of a witness and should not permit the former bounds to be passed.

N.C.B. §285

The foundation for impeaching a witness by proof of contradictory statements must be laid on cross-examination.

REDIRECT AND RECROSS-EXAMINATION

N.C.B. §286

Ordinarily the redirect examination will be confined to matters brought out on the cross-examination, and the recross-examination will be confined to matters brought out on the redirect examination. But in these matters the court, in the interest of truth and justice, should be liberal in relaxing the rule. Whenever a redirect examination is allowed, a recross-examination must be allowed also.

EXAMINATION BY THE COURT

N.C.B. §287

The court has the right to put questions to the witness at any time, but ought to make no interrogation until the examination by the parties has been completed.

A question by a member may be put directly to a witness without submitting it first to the court; if, however, it is objected to and ruled out, it must be recorded as "by a member." If received, it is recorded as "by the court."

WITNESS MAY BE WARNED NOT TO CONVERSE UPON MATTERS PERTAINING TO THE TRIAL

N.C.B. §297

The reason that no witness is permitted in court during the examination of another witness is to prevent either the deliberate or unconscious coloring of the testimony of any witness. For exactly these same reasons it is highly undesirable and improper for witnesses to an occurrence which may probably be the subject of judicial investigation to converse with each other concerning the testimony which they would give should they be called as witnesses, or, having testified, to disclose to persons not present the testimony they gave, or to converse with anybody, including those present in the court room concerning the details of the testimony given by them. This prohibition is not intended to prevent legitimate conversations between persons officially interested in the case and bona fide witnesses, but it is intended to prevent any conversations with any persons whatever that will influence any testimony, directly or indirectly, that is to be given before the court.

IMPEACHMENT OF A WITNESS

N.C.B. §298

The testimony of a witness may be impeached by:

(a) Disproving the facts testified to by him.

(b) Proof of contradictory statements previously made by him as to matters relevant to his testimony and to the case.

(c) Attacking his general credibility.

IMPEACHMENT OF A PARTY'S OWN WITNESS

N.C.B. §303

The general rule is that a party is not permitted to impeach the credibility of his own witness. This does not mean, however, that he can not introduce other testimony as to a particular fact which is directly contradictory to the testimony of such witness.

The exceptions to the general rule above stated are:

(a) When a witness appears to be hostile to the party that calls him.

(b) When a party is under the necessity of calling a particular person as witness.

(c) When the party that calls a witness is unduly surprised at the evidence elicited, and in this case the foundation must be laid.

WEIGHING EVIDENCE

N.C.B. §305

In weighing evidence the court may consider:

(a) The witness's manner of testifying.

(b) His intelligence.

(c) His means and opportunities of knowing the facts to which he testifies.

(d) The nature of the facts to which he testifies.

(e) The probability or improbability of his testimony.

(f) His interest or want of interest.

(g) His personal credibility, so far as it legitimately appears upon the trial.

(h) The number of witnesses, subject to considerations of their character, relation to the case, and the circumstances under which their testimony is given.

(i) All the facts and circumstances of the case.

JUDICIAL NOTICE

N.C.B. §309

The evidence introduced in the trial is supplemented by facts of which the court takes judicial notice; that is, by facts which the court knows to be true without any evidence to prove them.

Courts should take judicial notice of:

(a) Facts forming part of the common knowledge of every person of ordinary understanding and intelligence, such as time, days, and dates; the character of a weapon whether deadly or not; existence, appearance, and value of money, etc.

(b) Matter which is so easily ascertainable in authentic form that the court may readily inform itself by reference to some authentic, accessible source of information, such as the name of the present ambassador to a foreign country; time of sunrise and sunset from the Nautical Almanac.

(c) Matter which the court is bound to know from its own special duties and functions, such as the U. S. Constitution; statutes of the state within which the court is sitting; statutes and treaties of the U.S.; Navy Regulations, bureau manuals, court-martial orders, Naval Courts and Boards; Navy Department and fleet organization.

Matters of which the courts may take judicial notice need neither be alleged nor proved.

PRESUMPTIONS

N.C.B. §310

The evidence introduced in a case is sometimes supplemented by presumptions. A presumption is a rule of law annexing to certain evidential facts a legal significance. Such presumptions are of two kinds, according to the legal significance attached:

(a) Rebuttable presumptions.

(b) Conclusive presumptions.

N.C.B. §311 A rebuttable presumption is an assumption made by law that an inference of fact is *prima facie* correct. This presumption places the burden of rebuttal upon the party against whom it operates. In the absence of evidence to the contrary the law presumes, for example, that:

(a) Official duty has been regularly performed.

(b) A person who has not been heard from in seven years is dead.

(c) A person is sane.

(d) An unlawful act was done with unlawful intent.

(e) A letter duly directed and mailed was received in the regular course of the mail.

N.C.B. §312 A conclusive presumption is an assumption made by law that an inference of fact is conclusively correct. It forbids any evidence being introduced to the contrary. The law, for example, conclusively presumes that a child under seven years of age is incompetent to commit crime. Strictly speaking presumptions of this class are not presumptions at all but matters of substantive law.

SEC. 6. JURISDICTION OF NAVAL COURTS-MARTIAL

GENERAL

N.C.B. §327 As naval courts-martial are courts of limited jurisdiction, their records must affirmatively show that they have authority to hear and determine cases coming before them for trial. A particular court-martial has authority to try men specifically ordered tried by it, and has no authority to try a man ordered tried before another court. The jurisdiction of such courts-martial is statutory and is limited to offenses that are provided for in, or are within the purview of, the Articles for the Government of the Navy and other enactments of Congress. The jurisdiction thus conferred is exclusively criminal in character, being solely for the purpose of the maintenance of naval discipline. In order that a naval court-martial may conduct a legal trial and adjudge a valid sentence, it is necessary that the jurisdiction of such court be established.

CONDITIONS NECESSARY TO SHOW JURISDICTION

N.C.B. §328 The following are necessary conditions to the jurisdiction of every naval court-martial: (for additional information on each of the conditions listed see the reference sections in Naval Courts and Boards)

(a) It must be convened by an officer duly empowered to do so. (Naval Courts and Boards, sec. 329)

(b) It must be legally constituted; that is, it must be composed of

members authorized by statute to sit upon such court. (Naval Courts and Boards, sec. 330)

(c) There must be jurisdiction as regards:

1. Place (Naval Courts and Boards, sec. 331)
2. Time (Naval Courts and Boards, sec. 332)
3. Person (Naval Courts and Boards, secs. 333, 334)
4. Offense (Naval Courts and Boards, sec. 335)

CONCURRENT JURISDICTION: SAME ACT MAY BE AN OFFENSE BOTH AGAINST NAVAL LAW AND STATE OR FOREIGN LAW

Courts-martial have exclusive jurisdiction to try offenders for acts constituting offenses against naval law only; they also have authority to try offenders for certain acts which, besides constituting offenses against naval law, are also civil crimes of which civil courts may take cognizance. In such cases the same act may be an offense both against naval law and against a state or foreign government. Therefore, when such offender has been brought to trial in a state or foreign court, he may, nevertheless, thereafter be brought to trial by naval court-martial, notwithstanding his conviction and punishment or his acquittal by such civil court and vice versa. N.C.B. §337

When, however, an act prohibited both by naval law and the civil law of the Federal government, is committed within Federal jurisdiction and the offender is tried either by a court-martial or a Federal civil court, both of which derive their jurisdiction from the same source—the Federal government—then the same act constitutes but one offense, namely, an offense against the United States, and trial by either is a bar to trial by the other on the ground of former jeopardy. N.C.B. §338

SEC. 7. PROCEDURE BEFORE TRIAL

THE PRECEPT

The precept is the order convening the court. It is signed by the convening authority and addressed to the president or senior member of the court. It specifies the time and place of meeting and recites the composition of the court. Supplementary to the precept, individual orders are issued to the officers named therein directing them to perform the duties set forth in the precept. N.C.B. §345

It is incumbent upon an officer having official knowledge of his having been named in a precept convening a court-martial to report to the president or senior member of said court for that duty even though he may not have received specific orders so directing.

If the convening authority desires the court to adjourn over holidays, the precept should specifically state that such authority has been

granted. When less than thirteen members are detailed on a general court-martial, the precept should specifically state that "no other officers can be detailed without injury to the service."

The precept must be drawn before the order for trial and the reference of the charges and specifications to the judge advocate or recorder as otherwise the latter is issued to an officer non-existent.

PERSONNEL OF COURTS

N.C.B. §346

Except in cases where officers of the rank of lieutenant in the Navy and captain in the Marine Corps, or above, are not available, the circumstances of which shall be reported to the department by the convening authority, no officer shall be ordered as a member of a general court-martial who is below the rank of lieutenant in the Navy and captain in the Marine Corps. In case an officer is to be tried, the 39th article of Articles for the Government of the Navy requires that, except where it can not be avoided without injury to the service, at least one-half of the members be senior to the accused. As a matter of policy in such a case all should be senior. The convening authority is justified in departing from this rule only under the most unusual circumstances.

It is the policy of the Navy Department to require the president to be a line officer.

In detailing officers for trial of a staff or marine officer it is proper, if the exigencies of the service permit, that at least one-third of the court be composed of officers of the same corps as and senior to the person to be tried.

No officer should be named as a member to whom either the judge advocate or the accused can reasonably object when called upon to exercise the privilege of challenge. An officer who is ordered to duty as a member of a court-martial and who knows, or has due reason to believe, that he will be called as a material witness in a case to be tried before the court of which he is made a member, should immediately so advise the convening authority and upon receipt of such information such officer should be relieved from duty on said court.

No officer is competent to serve as member of a summary court-martial whose proceedings and sentence must later be reviewed and acted upon by him as convening authority or immediate superior in command.

The provisions of article 27, of the Articles for the Government of the Navy, admit of a commissioned warrant officer being ordered as a member of a general court-martial.

It is advisable in all cases that at least one officer named as a member of a summary court-martial have the qualifications of a member of a general court-martial. Where the convening authority finds it impracticable to comply with this provision he shall set forth the circum-

stances in a letter to the department, a copy of which shall be attached to each case tried by a court otherwise constituted.

EXAMPLE OF A PRECEPT FOR A SUMMARY COURT-MARTIAL

U.S.S. *Rowe.* N.C.B.
San Pedro, Calif., §651
July 18, 1938.

From: Commanding Officer.
To: Lieutenant Timothy J. Riley, U. S. Navy.

Subject: Convening summary court-martial.

1. A summary court-martial is hereby ordered to convene on board this vessel on Monday, July 25, 1938, or as soon thereafter as practicable, for the trial of such persons as may be legally brought before it.

2. The court will be constituted as follows:

Lieutenant Timothy J. Riley, U. S. Navy, senior member;
Lieutenant (junior grade) George Knight, U. S. Navy; and
Ensign Malcolm K. Dole, U. S. Navy, members; and
Ensign Peter M. Kane, U. S. Navy, recorder.

ROBERT S. KEEN,
Lieutenant Commander, U. S. Navy,
Commanding U.S.S. *Rowe.*

Note—Where a copy of the precept is prefixed to the record of proceedings the following authentication must be written in the lower left corner of the copy:

"A true copy. Attest:
PETER M. KANE,
Ensign, U. S. Navy,
Recorder."

DUTIES OF JUDGE ADVOCATE OR RECORDER BEFORE TRIAL

The duties of a recorder or a judge advocate before trial are: N.C.B. §351

(a) To receive such papers and instructions as are considered necessary for his guidance.

(b) To question such persons as the papers in his possession indicate have any knowledge of the facts with a view to obtaining all necessary evidence to sustain the specification.

(c) To ascertain that the accused has received a true copy of the specifications preferred against him. He should obtain a receipt from the accused for the specification, noting thereon the time and date when the specifications were received.

(d) To examine critically the specifications in order that, prior to

arraignment, he may advise the convening authority of any technical inaccuracies he may discover.

(e) To see that a suitable place is provided for the sessions of the court, and that it is supplied with writing materials for the use of the members. Copies of the specifications should also be provided.

(f) To see that an orderly is detailed to attend the court, and to secure the services of a competent stenographer.

(g) To summon the necessary witnesses for the prosecution and to obtain from the defense a list of his witnesses and summon them also. The accused should be informed of the witnesses the prosecution intends to call.

(h) To make preliminary examination of the witnesses for the prosecution, and, as far as possible, systematize his plans for conducting the case.

(i) To inform the accused that he is entitled to counsel; that he may have a reasonable time to prepare his case; and of his right to have witnesses summoned for the defense. If, in discussing the case with the accused it develops that he might have any good defense whatever, or if the accused believes that he has, discussion of the merits of the case should be terminated at once and the accused advised to secure counsel. Any advice to plead guilty should be scrupulously avoided.

(j) The recorder should ask the accused or his counsel what statement, if any, the accused intends to make at the trial, as this will enable the recorder to determine whether the accused has or believes he has any defense to offer.

(k) Whenever an accused has secured counsel, all negotiations by the recorder must be conducted through counsel.

N.C.B. §359 (l) In case the accused does not have counsel the recorder should, before trial, carefully explain to the accused that he may, besides introducing witnesses in his behalf, either (1) take the stand and testify under oath, or (2) make a statement not under oath. It should be explained to the accused that should he take the stand, he may be subjected to rigorous cross-examination; and that should he not under oath make a statement which contains averments of material facts, such averments can not be considered as evidence or accorded evidentiary weight by the court. Where the accused has made a statement to the court not under oath, the recorder (if there be no counsel) will, upon the completion of such statement, inform the court that the provisions of section 359, Naval Courts and Boards have been complied with.

JUDGE ADVOCATE OR RECORDER SHALL NOT TRY CASE OUT OF COURT

N.C.B. §353 The judge advocate or recorder shall not usurp the functions of the court by weighing evidence outside of court and advising the court to accept a plea of guilty in a less degree than charged; or by weighing the

evidence in the case as shown by the original papers and withholding evidence which should be submitted to the court for its consideration.

ACCUSED ENTITLED TO COUNSEL

N.C.B. §356

The accused is entitled to counsel as a right, and whenever practicable, to counsel of his own choice. The court cannot properly deny him the assistance of a professional or other adviser. An enlisted man to be tried shall be advised particularly of his rights, and should be represented by counsel, if practicable, *unless he explicitly states in open court that he does not desire such assistance.* Should the accused state that he does not desire counsel he shall be informed by the court that counsel will be assigned him should he so desire, and he shall be advised to consult counsel before deciding to proceed with the case without counsel. A statement that this section (Naval Courts and Boards, sec. 356) has been complied with shall be entered upon the record of proceedings. Failure to comply with request of accused that counsel be provided him is a fatal error.

OFFICER DETAILED AS COUNSEL

N.C.B. §357

When the accused before a court-martial has no legal adviser, the commandant of the navy yard or station, the convening authority, or the senior officer present within whose jurisdiction the court sits shall, if the accused so requests, detail a suitable officer to act as his counsel. An officer so detailed shall perform such duties as usually devolve upon the counsel for the accused before civil courts in criminal cases.

IN CASE REQUEST OF ACCUSED FOR CERTAIN PERSON TO ACT AS COUNSEL IS REFUSED

N.C.B. §358

Sometimes the request of the accused to have a certain person act as counsel is refused for cause and someone else is appointed. Under such circumstances the record should show the grounds for refusing the original request of the accused. Wherever practicable the accused should be allowed such person as he requests for counsel.

LEGAL ETHICS

In their relations with accused persons in legal proceedings in general, judges advocate, recorders, and counsel for the defense should be guided by the Canons of Ethics of the American Bar Association. Excerpts from the Canons are set forth in section 360, Naval Courts and Boards.

SEC. 8. INSTRUCTIONS DURING TRIAL

DUTIES OF JUDGE ADVOCATE OR RECORDER DURING TRIAL

N.C.B. §400 During the trial the judge advocate or recorder conducts the case for the Government. His duties, in general, are as follows:

(a) He executes all orders of the court.

(b) He reads the convening order (precept).

(c) He administers the oath to members, reporter, and interpreter. He is himself given the oath by the president or senior member.

(d) He arraigns the accused.

(e) He examines witnesses.

(f) He is responsible for the keeping of a complete and accurate record of the proceedings.

(g) When the court is in open session, it is the duty of the judge advocate or recorder to advise the court on all matters of form and of law.

(h) On every occasion when the court demands his opinion he is bound to give it freely and fully; and, even when it is not requested, to caution the court against any deviation from essential form in its proceedings, or against any act or ruling in violation of law or material justice.

(i) He shall at all times exercise great care in regard to the authenticity of any statements he may make to the court.

(j) The accused and his counsel have a right to the opinion of the judge advocate or recorder, in or out of court, upon any question of law arising out of the proceedings.

(k) He shall acquaint himself with the rules of evidence, and apply them in determining the admissibility of evidence. He shall offer only such evidence as is properly admissible. When in doubt he shall offer the evidence. He is particularly to object to the admission of improper evidence, and he shall point out to the court the irrelevancy of any evidence that may be adduced which does not bear upon the matter under investigation. Should his advise be disregarded by the court, he shall be allowed to enter his opinion upon the record. The court may, under such circumstances, record the reasons for its decision.

(l) Neither the judge advocate or recorder, the accused, nor any member of the court has any right to enter an exception or protest on the record.

N.C.B. §401 (m) In the event that the accused has no counsel, the judge advocate or recorder shall protect his interests, having in mind, however, at all times his duties as prosecutor. He should scrupulously avoid questioning an accused in an improper manner in court.

N.C.B. §402 (n) When the court is to be cleared, the president or senior member so announces, and all persons, including the accused, his counsel, and the judge advocate or recorder, withdraw. But the judge advocate or

recorder is called before the closed court to record the findings and again to record the sentence. (See also par. C-256.)

PLACE OF MEETING OF COURT

N.C.B. §366

Courts-martial are held in a convenient part of the ship (generally the wardroom) or navy yard or other place as may be ordered. No naval court or assembly of a judicial character shall be ordered or permitted to assemble or conduct any part of its proceedings in any place subject to foreign jurisdiction, except by consent of the foreign country. When, however, United States forces are in foreign territory for military purposes, that part of the foreign territory actually occupied by such forces is not subject to foreign jurisdiction within the meaning herein expressed.

It is discretionary with the court whether it will view the place where the alleged crime was committed, or where some fact or transaction material thereto occurred. If it does so, the court must be attended by the accused and his counsel. No evidence should be taken while viewing the place and the court shall hold no communication with others while so doing, except as necessary to have witnesses point out objects about which they have testified, or to have the recorder or counsel point out objects about which they will produce testimony.

HOURS OF SESSIONS

N.C.B. §367

Naval courts-martial may hold sessions at any hour of the day, but they are not to meet at unusual hours, nor should the duration of sittings be unusually protracted, unless the court is informed by the convening authority that the case is one of extraordinary urgency and that such a measure is therefore warranted.

SESSIONS TO BE PUBLIC

N.C.B. §368

The sessions of courts-martial shall be public, and, in general, all persons, except such as may be required to give evidence, shall be admitted.

MEMBERS TAKE SEAT IN ORDER OF RANK

N.C.B. §369

The members are named in the precept in the order of rank and take seat accordingly, the senior member or president at the head or center of the table and the other members at his right and left alternately. If the names do not appear in the precept in the order of rank the members shall nevertheless take seats, vote, and sign in the order of their actual rank.

GENERAL DUTIES OF MEMBERS

N.C.B. §370

In general, the members of the court as a body finally decide upon all questions as to the admissibility of evidence, and pass upon all ques-

tions presented to the court during the course of proceedings. The members of a court, as well as the judge advocate or recorder, are responsible for the correctness of its record of proceedings.

The members, in the capacity of judges, make all rulings in matters of law; in the capacity of jurors they make all findings of fact. In addition, the members in their judicial capacity, adjudge the sentence to be imposed in case of conviction and make recommendation to clemency to the reviewing authority. They conduct contempt proceedings where necessary, and make recommendations to the convening authority as to disciplinary action to be taken against persons appearing at or participating in the trial.

VOTING BY MEMBERS

N.C.B. §371

The voting by members on questions (other than findings and sentence) arising during trial is governed by the following rules:

(a) The vote of each member has equal weight.

(b) The vote is taken *viva voce* commencing with the junior member and continuing in inverse order of seniority.

(c) In case of a tie, the motion or objection is not sustained.

(d) The majority vote always prevails.

It should be remembered that in voting on collateral issues, the decision is based on which side has prevailed by a preponderance of the evidence—that is, by the evidence which best accords with reason and probability—and the party having the affirmative need not prove beyond a reasonable doubt.

DUTY OF MEMBERS TO DECIDE ACCORDING TO THE LAW, EVEN IF AT VARIANCE WITH THEIR INDIVIDUAL BELIEFS

N.C.B. §372

It is the duty of members of the court to decide the issues appearing at the trial in accordance with law and without regard to their individual beliefs. If the members of the court believe that because of a good motive on the part of the accused when he committed the offense, or because of unusual circumstances, the accused should not be severely punished, it is none the less their duty to find according to the law and the evidence and to adjudge a sentence commensurate with the offense proved. The court should not presume upon the prerogative of the reviewing authority in exercising clemency.

DELIBERATIONS TO BE IN CLOSED COURT

N.C.B. §373

Except where it is manifest that the action of the court will be unanimous, deliberations upon any question arising between the parties to the trial, and upon challenges, the sufficiency of charges and specifications, the findings, etc., shall be conducted in closed court. Care must

be taken that no votes are taken in open court. When the court is closed all parties to the trial withdraw, this includes the recorder or judge advocate. If for any reason it is desired to call the judge advocate or recorder before the court while it is in closed session to advise it, the accused should also be present.

LIABILITY OF MEMBERS

A court-martial has no power to punish its members, but a member is liable for improper conduct as for any other offense against naval discipline. N.C.B. §374

The members of a duly constituted and organized court-martial can not be interfered with in their proceedings by naval authority, yet they may be responsible in civil courts for any abuse of power or illegal proceedings.

ABSENCE OF MEMBERS

After the proceedings of a court-martial are begun the members thereof are forbidden to absent themselves therefrom, except in case of illness or order from a superior. A mere approved request for leave is not sufficient; nor is the fact that such a member be the commanding officer of a vessel about to sail. N.C.B. §375-378

ABSENCE OF JUDGE ADVOCATE OR RECORDER

If the judge advocate or recorder is absent, the court must adjourn from day to day until he returns or a successor is appointed by the convening authority. The court has no authority to detail any person to act as judge advocate or recorder. N.C.B. §379

ABSENCE OF COUNSEL FOR ACCUSED

Immediately after the accused is brought before the court he should be asked if he desires counsel (par. C-244), and if he does, counsel should take seat as such. If the counsel for the accused is absent at any stage of the proceedings, the record should show affirmatively that the accused waived the privilege of having counsel present at that time. Otherwise the court should adjourn for a reasonable time, if it appears that the counsel will then be present or until the convening authority appoint another counsel. N.C.B. §384

GENERAL DUTIES OF PRESIDENT OR SENIOR MEMBER

The general duties of a president or senior member of a court-martial are: N.C.B. §381

(a) He speaks for the court.

(b) He is responsible for the dignified and orderly conduct of the court and is empowered to keep order.

(c) He is responsible that all persons called before the court are treated in a becoming manner, and in all cases of impropriety, shall, if necessary report the offender to the convening authority.

(d) The senior member of a summary court-martial reports the fact and time when the court-martial meets and when it adjourns through routine channels to the convening authority, and transmits the finished record to him.

N.C.B. §382 (e) The president or senior member administers the oaths to the judge advocate or recorder and to the witnesses.

CONDUCT OF THE TRIAL—FIRST STEP—READING THE PRECEPT

N.C.B. §386 The members of the court, the judge advocate or recorder, the accused and his counsel being present in court, the judge advocate or recorder reads the precept (par. C-239) and any modifications thereto. In the case of a general court-martial a copy of the precept is prefixed to each case tried by that court. When the court is dissolved the original precept, if the court was convened by other than the Secretary of the Navy, is forwarded to the Office of the Judge Advocate General. In the case of a summary court-martial the original precept is prefixed to the record of proceedings of the first case tried by that court and in the following cases a copy of the precept shall be prefixed to the record of the trials.

SECOND STEP—CHALLENGE: RIGHT OF

N.C.B. §387 The precept having been read, the accused is then asked if has any objection to make to any member of the court. The judge advocate or recorder has an equal right of challenge with the accused. A member has no right of challenge, but it is his duty to lay any facts of which he may have knowledge, tending to show that another member is disqualified, before the court for its action.

No right of challenge exists against anyone other than a member of the court.

WHAT CONSTITUTES A VALID CHALLENGE

N.C.B. §388 A positive declaration by a challenged member that he is not prejudiced against the accused nor interested in the case is ordinarily satisfactory to the accused, and, in the absence of material evidence in support of the objection, will justify the court in overruling it. However, a challenge upon any one of the following grounds, if admitted by the challenged member or proved to the satisfaction of the court by

a preponderance of the evidence (sec. 390, Naval Courts and Boards), shall be sustained despite any declaration the challenged member may make:

(a) That he sat as a member of a court of inquiry or board which investigated the charges.

(b) That he has personally investigated the charges and expressed an opinion thereon, or that he has formed a positive and definite opinion as to the guilt or innocence of the accused.

(c) That he is the accuser. (This does not include an officer who merely refers for trial charges preferred by another, unless he has formed a definite opinion.)

(d) That he will be a material witness for the prosecution or for the defense, except only as to the previous good character of the accused.

(e) That he sat as a member of a court or board which tried or investigated another person upon charges based on the same transaction concerning which the accused is on trial.

(f) That he is related by blood or marriage to the accused.

(g) That he has declared enmity against the accused.

WHEN A MEMBER TESTIFIES AS A WITNESS

N.C.B. §389

When a member is called and has testified as a witness for the prosecution or for the court, on any matter material to the issue or prejudicial to the accused, he shall thereupon be considered as challenged by the accused, unless the accused expressly requests that he be not so considered—which should appear affirmatively in the record—and he shall be forthwith excused by the court from further attendance as a member thereof.

COURT DECIDES ON CHALLENGES

N.C.B. §390

A challenge on any of the grounds set forth above, if properly supported by the facts, shall be sustained by the court. The decision of the court on challenges is final, and the party who challenges can not insist upon his challenge in opposition to the decision of the court. Members of courts are liable to challenge at the beginning of each distinct trial.

PROCEDURE ON CHALLENGE

N.C.B. §391

An examination on a challenge may be under oath on *voir dire* (see Naval Courts and Boards App. E-4f) administered by the president or senior member. Witnesses may be introduced in rebuttal and arguments made. It is customary for the challenged member to withdraw while the court is deliberating on the challenge. The objection, the cause

assigned, the statement, if any, of the challenged member, the testimony of witnesses examined on *voir dire*, and the decision of the court shall be regularly and specifically entered in the record. When a challenge is sustained the challenged member ceases, from the moment the decision is announced in open court, to be a member for that trial.

THIRD STEP—SWEARING IN THE COURT

N.C.B. §394

Until the court is duly sworn (organized) according to law, it is incompetent to perform any judicial act except to hear and determine challenges against its members. The procedure for administering the prescribed oaths is as follows:

(a) All persons present in the court room will rise.

(b) In a general court-martial case the president of the court will administer the prescribed oath to the judge advocate (Naval Courts and Boards, App. E-4.)

(c) The judge advocate will then administer the oath to the members.

(d) In a summary court-martial case the members are sworn first by the recorder and then the recorder is sworn by the senior member. (Naval Courts and Boards, App. E-5.)

(e) Reporters and interpreters are sworn by the judge advocate or recorder; all witnesses are sworn by the president or senior member.

FOURTH STEP—ACCUSED MUST ADMIT RECEIPT OF COPY OF CHARGES AND SPECIFICATIONS

N.C.B. §396

Immediately after the court is sworn the accused shall be asked by the judge advocate or recorder whether he has received a copy of the charges and specifications preferred against him and on what date he received them. (See par. C-242.)

FIFTH STEP—CHARGES AND SPECIFICATIONS MUST BE PRONOUNCED IN DUE FORM AND TECHNICALLY CORRECT

N.C.B. §398

After the accused admits having received a true copy of the charges and specifications preferred against him, he is asked whether he has any objection to make to them. It is proper to object if the accused does not think the specification states an offense, because it is not definite enough, or because there is some error, such a misnomer, but the accused must state in what particular he deems the charges or specifications defective. If the accused has no objection to make to the charges and specifications, the judge advocate reports no defect in them, and the court finds no defect in them, the court then pronounces them in due form and technically correct. It is customary for the president or senior

member to clear the court while they are examining the charges and specifications.

After this stage of the proceedings, the accused will not be heard to object to the charges and specifications except upon an error of substance, that is, upon a defect which would vitiate the entire proceedings. This may be noted at any stage of the trial that it manifests itself.

SIXTH STEP—IS THE ACCUSED READY FOR TRIAL

N.C.B. §399

When the charges and specifications have been pronounced in due form and technically correct, the judge advocate or recorder shall ask the accused, "Are you ready for trial."

Either the prosecutor or the accused may request a postponement of the trial stating his reasons for the request. But an application to suspend the proceedings of a court for a longer period than from day to day, Sundays excepted, must be referred to the officer convening the court, who alone has authority to grant such a request.

The court should be liberal in granting a postponement requested by the accused.

SEVENTH STEP—THE PLEAS

N.C.B. §404

The pleas recognized by a naval court-martial and the order in which they should be made are:

(a) Plea to the jurisdiction.

(b) Plea in bar of trial.

(c) Plea to the general issue.

PLEA TO THE JURISDICTION

N.C.B. §405

This plea should regularly be made prior to pleading to the general issue, but as lack of jurisdiction is a fatal defect, the plea may be made at any time.

An objection on the ground of lack of jurisdiction involves a question as to the legal authority of the court, such as:

(a) That it was convened by an officer having no legal authority to convene it.

(b) That it is not legally constituted.

(c) That the accused is not subject to the court's jurisdiction.

(d) That the offense is not one cognizable by a naval court-martial.

Even though the accused fail for any reason to make objection to the jurisdiction of a court, if the court did for any reason lack jurisdiction, the defect is fatal and the findings and sentence of the court must be set aside. Waiver of the objection will never avail to confer jurisdiction upon a court not legally possessing it.

PLEA IN BAR OF TRIAL

N.C.B. §406 A plea in bar of trial, if sustained, is a substantial and conclusive answer to the charge or specification to which it is addressed. Such a plea may be made on the following grounds:

(a) The statute of limitations. (Naval Courts and Boards, sec. 407; Articles for the Government of the Navy, arts. 61 & 62)

(b) Former Jeopardy. (Naval Courts and Boards, sec. 408; Digest, 1916, page 296)

(c) Pardon. (Naval Courts and Boards, sec. 409)

PLEA TO THE GENERAL ISSUE AND ARRAIGNMENT

N.C.B §411 The pleas to the general issue recognized in naval courts-martial are:

(a) Guilty.

(b) Not guilty.

After the special pleas, if any, have been disposed of and both parties are ready to proceed, the judge advocate or recorder will read the charges and specifications separately and in order to the accused and ask him how he pleads to each, "guilty" or "not guilty." The response of the accused constitutes his plea to the general issue. The accused and the prosecutor stand during the reading and the arraignment.

By a plea of guilty, the accused admits without proof the averments of the charges and specifications. A plea of not guilty, on the other hand, calls upon the prosecution to prove the averments of the charges and specifications.

N.C.B. §413 If the accused stands mute, or answers foreign to the purpose, or makes any other irregular answer, the court shall direct the trial to proceed as though the accused had pleaded "not guilty."

N.C.B. §415 Insanity at the time of the commission of the offense charged is a defense that should properly be made under a plea of not guilty. In case the court entertains any doubt as to the mental capacity of the accused at any stage of the trial, it should communicate with the convening authority, requesting a postponement of the trial, and that the accused be placed under observation of medical officers.

CHANGE OF PLEA OF GUILTY OR NOT GUILTY

N.C.B. §416 The request of an accused, prior to the completion of trial, that his plea be changed from guilty to not quilty should always be granted. A plea of not quilty should not be changed to a plea of guilty unless the accused personally requests the change, or affirmatively assents to such request by his counsel. When it appears that the accused entered

a plea of guilty through lack of understanding of its meaning and effect, the court should direct that the plea be changed to not guilty and the trial proceed on that basis. At whatever stage in the trial a change of plea is made, it vitiates all prior proceedings on the specification to which it relates and as to them there must be a recommencement of the trial.

REJECTION OF PLEA OF GUILTY

N.C.B. §417

In the following cases the plea of guilty of the accused will be rejected, a plea of not guilty entered, and the trial will proceed on that basis:

(a) Accused persists in a plea of—

(i) Guilty but without criminality, or

(ii) Guilty in a less degree than charged.

(b) Accused after a plea of guilty sets up matter inconsistent with his plea by means of—

(i) His statement,

(ii) His testimony, or

(iii) The testimony of a witness on his behalf.

(c) Accused pleads guilty to a specification, there being only one, and not guilty to the charge, or vice versa.

(d) There being more than one specification preferred under a charge and accused—

(i) Pleads guilty to one or more specifications and not guilty to the charge.

(ii) Pleads not guilty to all the specifications and guilty to the charge.

(e) Accused enters some plea not otherwise specifically provided for and persists therein.

WHEN STATEMENT OF ACCUSED IS INCONSISTENT WITH PLEA

N.C.B. §420

It sometimes happens that an accused will plead guilty and then submit a statement containing matter which, had it been established by evidence following a plea of not guilty, would have supported or tended to support that plea. Such statement is inconsistent with the plea of guilty. Examples of this often occur where the accused, having pleaded guilty to desertion, submits a satement that he did not intend permanently to abandon the service, or where, having pleaded guilty to theft, he states that he intended to return the property to its owner. In such cases the procedure set forth in paragraph C-277 (Naval Courts and Boards, sec. 417) should be followed. Failure to reject the inconsistent plea will not render the proceedings void; but will render them voidable at the discretion of the convening authority if it appears to him that the interests of the accused have suffered substantial prejudice.

EIGHTH STEP—EXAMINATION OF WITNESSES AND INTRODUCTION OF EVIDENCE

The details of the matter which would come within the purview of this paragraph have been covered in paragraphs C-218 to C-229.

Normally the prosecution will call his first witness and after the witness is sworn by the president or senior member the prosecutor will ask him the preliminary questions, viz; "State your name, rate (rank), and present station." "If you recognize the accused state as whom." If the witness is called to obtain his general knowledge of the offense with which the accused is charged, a good question to lead off with is, "The accused is charged with certain irregularities state what you know about them."

When the examinations of all the prosecution witnesses have been completed the judge advocate or recorder will inform the court that "The prosecution rests." The defense will call his witnesses. The judge advocate or recorder will ask them the two preliminary questions and the examination will be continued by the accused (counsel). When the defense has called all of his witnesses and their examinations have been completed he will inform the court that "The defense rests."

At the conclusion of the examination of each witness, whether for the prosecution or defense, the record must contain the entry—"Neither the recorder (judge advocate), the accused, nor the court desired further to examine this witness." The witness will then be advised by the president or senior of the court that he (the witness) took an oath to state everything within his knowledge in relation to the charges, and that he is now privileged to make any further statement necessary to fulfill his oath; that if he is not sure what the charges are they will be explained to him.

The witness is next warned (see par. C-230) and withdraws.

NINTH STEP—STATEMENT OF ACCUSED

N.C.B. §419

At this stage of the proceedings, the accused may if he so desires, make a statement. Such statement of the accused is a personal declaration and cannot legally be acted upon as evidence by the court, nor can it be a vehicle of evidence, or argument thereon, nor properly embrace documents or other writings or even averments of material facts, which, if duly introduced, would be evidence; and if such things be improperly included in a statement, they are entitled to no evidential weight.

A statement may operate in two ways:

(a) To modify the plea of guilty of the accused when inconsistent therewith; and,

(b) As a plea for leniency, which may not be considered by the court

except in recommending the accused to the clemency of the reviewing authority.

It is irregular and improper to have a statement sworn to. In order to bring out facts or averments as sworn testimony in defense, it is necessary that the accused himself, or a witness in his behalf, regularly take the stand and subject himself to cross-examination.

If the accused does not desire to make a statement, the record should affirmatively so state. It is not the function of counsel to make a statement, and it must not be made into an argument of counsel.

TENTH STEP—ARGUMENTS

N.C.B. §421

Neither the prosecution nor the defense is required to make an argument; however, the proper presentation of the case, as well for the benefit of the court as of the reviewing authority, would suggest that both prosecution and defense avail themselves of their respective rights to make argument.

The prosecution has the right to make the opening and closing arguments. Should the prosecution waive its right to make an opening argument, the defense may or may not make an argument as it desires. Should the defense make no argument, the prosecution loses its right to make a closing argument.

CHARACTER OF ARGUMENTS

N.C.B. §422

A reasonable latitude should be allowed the judge advocate or recorder and the accused (counsel) in their arguments. The testimony and any animus on the part of witnesses, the conduct, motives, and evidence of malice on the part of those upon whose complaint the accused is being prosecuted, may so far as disclosed by the proceedings, be commented on, but the court should not permit such arguments to be made the vehicle of abuse.

It is improper to—

(a) State in argument any matter of fact as to which there has been no evidence.

(b) Comment on the failure of the accused to testify.

(c) Misstate any matter of law.

(d) State that a greater number of witnesses might have been called or that witnesses unavailable would have testified thus and so.

WHEN STATEMENT AND ARGUMENT MUST BE WRITTEN

N.C.B. §424

If the court has the services of a reporter who is a competent stenographer the statement and arguments may be given orally. When so

given they are entered in the record as part of the proceedings.

When the reporter is not a competent stenographer the statement and arguments must be written before delivery, except that in a summary court-martial the accused may, if he be willing to have only the substance of his statement recorded, make it orally. The written statement or argument so made shall be appended to the record and signed by the party making it. In a summary court-martial case when only the substance of the statement is recorded, it shall be appended and certified by the recorder.

ELEVENTH STEP—THE FINDINGS

N.C.B. §425

When the trial proper is finished the court is closed to deliberate upon its findings. In arriving at its findings the court considers the plea of the accused, the evidence adduced, and the arguments made.

The finding of the court may be—

(a) "Proved by plea," in the case where the accused has pleaded guilty.

(b) "Proved," in the case where the accused has pleaded not guilty.

(c) "Not proved."

(d) "Proved in part." Care must be taken in such a finding not to except the words which express the gravamen of the offense in law. In making exceptions and substitutions, the court must see that the specification as found proved is grammatically complete.

WHEN FINDING IS "NOT GUILTY"

N.C.B. §432

In a summary court-martial case when the finding on any specification is "not guilty," the statement should follow that the court acquits the accused of the offense specified. The court is then reopened and in the presence of the accused the recorder reads aloud the findings of the court.

For the procedure in general court-martial cases see the referenced section of Naval Courts and Boards.

FORMS OF ACQUITTAL

N.C.B. §434

The following forms of acquittal, and no others, are permitted in naval procedure:

(a) "The court does therefore acquit." This form, known as a simple acquittal, should be used in all cases, except in the few special cases mentioned below under other forms of acquittal.

(b) "The court does therefore fully acquit." The use of this form of acquittal indicates that a court not only fails to find a charge proved beyond a reasonable doubt, but that it finds no facts whatever, as

brought out by the evidence introduced in the case, which reflect adversely on the conduct of the accused in matters pertaining to the charges and specifications. In other words, the court should not "fully acquit" in cases where the record shows any uncontroverted facts whatever reflecting unfavorably upon the accused.

(c) "The court does therefore honorably acquit." This form is to be employed only in cases where the offense charged is, besides being an offense against military authority, of such character that a conviction thereon would tend to dishonor the accused, for example, a charge of "conduct unbecoming an officer and a gentleman." This acquittal, as in the case of a full acquittal, should never be used if the record shows any adverse reflection whatever upon the accused.

(d) "The court does therefore most fully and honorably acquit." This form should be used only in extreme cases in which not only have the requirements of a "full" and an "honorable" acquittal been fulfilled, but in which the court wishes to place the highest stamp of approval upon the actions of the accused, in connection with matters covered by the specifications. The use of this form of acquittal might, for example, be justified in the case of an officer charged with unbecoming conduct in battle if the court wished to make it a matter of record that, far from considering the conduct of such officer censurable, it both approved and commended the conduct of the officer.

It is to be noted that there is no legal distinction between a simple acquittal and one to which any of the additional expressions above quoted has been added. Only in exceptional cases is the use of any form of acquittal, other than the simple "acquit," justified.

FINDINGS TO BE RECORDED IN THE HANDWRITING OF THE JUDGE ADVOCATE OR RECORDER

After the court has arrived at its findings, the judge advocate or recorder is recalled and directed to record them. They must be entered in the record in the handwriting of the judge advocate or recorder and must be free from interlineations and erasures. This direction applies to the entire findings. It includes everything which forms a part of the findings commencing with the words (in a summary court-martial case) "The specifications . . . N.C.B. §435

No abbreviations should be used in the findings other than the ones authorized to be used in a specification.

TWELFTH STEP—RECORD OF PREVIOUS CONVICTIONS INTRODUCED

Immediately after recording the findings, except where such findings have resulted in acquittal, the judge advocate or recorder shall state whether or not the accused has any record of previous convictions by N.C.B. §436

court-martial. If not, an entry to this effect shall be made in the record, but the court need not be reopened. If there be such a record of previous convictions the court shall be reopened and the record submitted to the accused for opportunity to object to its admission. If there be no valid objection, it shall be read by the judge advocate or recorder in the presence of all parties to the trial.

WHAT IS A RECORD OF PREVIOUS CONVICTION BY COURT-MARTIAL

The court-martial here referred to includes general and summary courts-martial, and deck courts. *It does not include punishments by a commanding officer (mast punishment.)*

N.C.B. §440

The record must show:

(a) The offense committed.

(b) The fact and nature of the trial.

(c) The findings.

(d) The sentence.

(e) The action of the convening and reviewing authorities.

(f) The dates of the offense, trial and action of the convening and reviewing authorities.

A certified copy of the record of previous convictions shall be appended to the record of proceedings.

MUST HAVE BEEN APPROVED BY PROPER AUTHORITY

N.C.B. §437

The record of a previous conviction, to be admissible, must show that such conviction was approved by the authorities whose action was requisite to give effect to the sentence. If the conviction was approved by such authority and was not subsequently disapproved by the Secretary of the Navy, it is admissible even though the sentence of the court may have been remitted either in whole or in part.

MUST RELATE TO CURRENT ENLISTMENT OR CURRENT EXTENSION OF ENLISTMENT

N.C.B. §438

The general rule is that the record of previous convictions, in order to be admissible, must relate to the current enlistment or current extension of the enlistment of the accused, if an enlisted man.

Exceptions to the above rule occur in the following cases and in these cases all convictions occurring in the prior enlistment are admissible:

(a) When the last enlistment was terminated by a court-martial.

(b) Where the accused had, in his last enlistment, been discharged as undesirable by order of the department.

(c) Where the accused deserted and subsequently fraudulently enlisted.

THIRTEENTH STEP—MATTER IN MITIGATION

N.C.B. §442

After the findings the accused may introduce matter in mitigation or extenuation (see paragraph C-165), or matter from his service record or testimony as to past character.

FOURTEENTH STEP—METHOD OF ARRIVING AT SENTENCE

N.C.B. §443

When the court has been closed for the purpose of determining the sentence, each member shall write down and subscribe the measure of punishment which he may think the accused ought to receive and hand his vote to the president or senior member, who shall, after receiving all the votes, read them aloud. Except in the case of a death sentence, which requires the concurrence of two-thirds of the members present, all sentences may be determined by a majority of votes. If the requisite number do not agree upon the nature and degree of punishment to be inflicted, the president or senior member proceeds in the following manner to obtain a decision: He shall begin with the mildest punishment that has been proposed and, after reading it aloud, shall ask the members successively, beginning with the junior in rank, "Shall this be the sentence of the court?" And every member shall vote *viva voce,* and the votes shall be noted. Should there be no decision, the president or senior member shall proceed in the same manner as before, to obtain a vote on the next mildest punishment, and shall so continue until a sentence has been decided upon. At tie vote on any sentence should be reconsidered, with a view to obtaining a majority either for or against before passing on to the next sentence.

PUNISHMENT TO BE ADJUDGED

N.C.B. §444

It is made by law the duty of courts-martial, in all cases of conviction, to adjudge a punishment adequate to the nature of the offense committed. In so doing due regard must be had to the requirements of the Articles for the Government of the Navy and the limitations prescribed by the President for punishments in time of peace. (See Schedule of Offenses and Limitations, Naval Courts and Boards, sec. 457.) In cases where there has been evidence in mitigation or extenuation, a court martial may recommend the person convicted to clemency; this clemency, however, is to be exercised only by the convening and reviewing authorities, who are expressly empowered to mitigate or remit punishment. Sentences must be neither cruel nor unusual, and must accord with the common law of the land and the customs of war.

The Articles for the Government of the Navy do not make any sentence mandatory. The statutes of the United States, however, provide that any person convicted of certain offenses, for example, desertion in

time of war, shall forever be incapable of holding any office of profit or trust under the United States. The sentence of the court in such a case must provide for the dismissal or discharge of the accused. The convening authority can not approve such a sentence and then mitigate it so as to retain the accused in the service.

Where the court deems an offense found proved serious enough to warrant a sentence of imprisonment it should, except under most unusual circumstances, or where not allowed by the limitations of punishments, include in its sentence dismissal or dishonorable or bad conduct discharge; a man who has committed such an offense is not a proper person to retain in the service. Furthermore, such a sentence puts the accused in prison in a status altogether different from that of the other prisoners. A court must be careful when sentencing to confinement to include accessories in its sentence, as otherwise the man will continue to draw full pay.

The stigma of dishonorable discharge is in itself a severe punishment. Its use, therefore, should be reserved for those cases where it is entirely proper that this stigma should attach.

RECORDATION AND AUTHENTICATION OF SENTENCE

N.C.B. §448

When a sentence has been determined upon the judge advocate or recorder shall be called before the court and under its direction shall draw up the sentence, specifying the exact nature and degree of the punishment adjudged, and after approval by the court, shall enter this on the record. It must not appear on the record what number of members voted for the sentence, except that, in the case of a death sentence, the record must explicitly state that the sentence was adjudged with the concurrence of two-thirds of the members present.

The sentence must be recorded in the handwriting of the judge advocate or recorder and must be free from interlineations and erasures. Numbers in the sentence shall be expressed both by words and by figures.

After the sentence has been recorded, the proceedings in each separate case tried by the same court shall be signed by all the members present when judgment is pronounced, and also by the judge advocate or recorder. These signatures are for authentication and do not necessarily import unanimous concurrence in rulings, findings, decisions, and other action taken. In case a member dies before signing, the signatures of the remaining members will be sufficient.

VOTE OR OPINION OF INDIVIDUAL MEMBERS NOT TO BE DISCLOSED

N.C.B. §449

The members of a general court-martial are sworn not to "divulge or by any means disclose the sentence of the court until it shall have

been approved by the proper authority," and not at any time to "divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

Subject to the exception in regard to judicial proceedings noted in the statute prescribing the oath for members of general courts-martial, the vote or opinion of each member of a summary court-martial, either as to the sentence of the court, or as to any other matter except recommendation to clemency, shall not be disclosed.

FIFTEENTH STEP—RECOMMENDATION TO CLEMENCY

N.C.B. §450

If mitigating circumstances have appeared during the trial which could not be taken into consideration in determining the degree of guilt found, the members of the court, *as individuals and not as a body,* may avail themselves of such circumstances as grounds for recommending the accused to clemency. In so doing the members signing the recommendation should set forth succinctly their reasons for making such recommendation. This recommendation is recorded immediately after the signatures of the members of the court and the judge advocate to the sentence, and is signed by the members concurring in it.

It is improper for the judge advocate or recorder to sign this recommendation.

Such recommendation should never be based on a doubt as to the guilt of the accused. If there be doubt as to the guilt of the accused, he should be acquitted. If a minority of the court had such doubt and voted for acquittal, and then made a recommendation to clemency based on this doubt, they, in effect, violated their oath not to divulge the vote or opinion of any particular member.

SIXTEENTH STEP—NOTATION OF ADJOURNMENT

N.C.B. §624

The final step in the record of proceedings of a trial is an entry to the effect that the court has adjourned to await the action of the convening authority. In case another trial is to follow immediately the entry would be to the effect that the court was opened and proceeded with the trial of. . . .

This final entry is signed by the president or senior member of the court and the recorder or judge advocate.

Following this entry the record of proceedings is transmitted to the convening authority for his action.

SEC. 9. INSTRUCTIONS AFTER TRIAL

POWER OF CONVENING OR REVIEWING AUTHORITIES IN RETURNING THE RECORD TO THE COURT

N.C.B. §473

The power of a convening authority in returning any record to the court is limited to a revision of its findings or sentence or the correction of clerical errors or omissions in the record of proceedings, and, in the event of the court's adherence to its former conclusions, to disapproval of such action. It is not in the power of the convening authority to compel a court to reverse its decision upon a motion or plea, when the court's ruling has terminated the trial, or to change its findings or sentence, when upon being reconvened by him, it has declined to modify them, nor either directly or indirectly to enlarge the measure of punishment imposed by a court-martial, nor to coerce a court to adopt his view upon any question arising in the course of its proceedings. When the proceedings, findings, or sentence of a court are illegal, the convening authority should set them aside.

The convening authority in his remarks returning a record for revision should not, in effect threaten disciplinary action against the members of the court.

WHEN HE IS NOT TO RETURN A RECORD

N.C.B. §474

Unless specifically authorized by the Secretary of the Navy in each case, no authority will return a record of trial to any court for reconsideration of—

(a) An acquittal.

(b) A finding of not guilty to any specification.

(c) The sentence originally imposed with a view to increasing its severity.

No court in any proceedings in revision shall reconsider its findings or sentence in any particular in which a return of the record of trial for such reconsideration is prohibited.

NO NEW EVIDENCE ADMISSIBLE

N.C.B. §462

When a court is ordered to revise its proceedings, new evidence shall not be admitted.

"REVIEWING AUTHORITY" DEFINED

N.C.B §471

Any officer to whom the proceedings of a court-martial are regularly submitted for review in accordance with law is a reviewing authority. When, as is ordinarily the case, such officer is the convening authority, this latter term should, in order to avoid confusion, be used in referring to him, even while exercising the functions of a reviewing authority. The

reviewing power vests in the office and not the person of the reviewing authority.

SENTENCE NOT EFFECTIVE UNTIL APPROVED

N.C.B. §469

No sentence of a court-martial may be carried into execution until the entire proceedings have been reviewed and the sentence duly approved in accordance with law.

Deck courts require the approval of the convening authority only.

Summary courts-martial require the approval of the convening authority and the immediate superior in command. Should the convening authority of such a court be the senior officer present, the sentence may be carried into execution upon his approval thereof.

General courts-martial require the approval of the convening authority only, except for sentences extending to death or to dismissal of a commissioned or warrant officer which must be finally approved by the President.

MATTERS TO BE SPECIALLY CONSIDERED BY THE REVIEWING AUTHORITY

N.C.B. §472

In reviewing courts-martial:

(a) Objections to the jurisdiction of the court should always be considered whether made at the trial or on review.

(b) Objections to the charges and specifications should not be considered unless made at the trial, except where a charge or specification fails to state an offense.

(c) Sufficiency of the evidence to sustain the finding of the court should always be considerede by the reviewing authority, keeping in mind the duties of the court in weighing the evidence before it.

(d) All objections made at the time of the trial and the rulings of the court on these objections should be carefully considered, especially if adverse to the accused.

(e) If there has been no miscarriage of justice, the finding of the court should not be set aside or a new trial granted because of technical errors or defects which do not affect the substantial rights of the accused.

REMITTING OR MITIGATING SENTENCES

N.C.B. §475

The reviewing authority has the power to remit or mitigate but not to commute the sentence of a court-martial. Remit means to give back, for example, in sentences involving loss of pay and confinement, the loss of pay is frequently remitted. Mitigate means to make less severe, for example, a sentence of thirty days confinement may be mitigated to twenty days. To commute a sentence means to change the nature of the punishment, for example, to change a sentence of confinement to

reduction in rating. The Secretary of the Navy has the power to commute a sentence, but no other reviewing authority has it.

CONDITIONAL REMISSION OF SENTENCES

N.C.B. §476

Sentences not involving death or dismissal may, in the discretion of the convening or reviewing authority, be conditionally remitted in lieu of being summarily executed, and, as a general rule, it is desirable that this be done with respect to sentences of discharge adjudged for first offenses not of a serious nature. The period during which a sentence is held in abeyance is a probationary period and the commanding officer may execute the sentence at any time during such period if he deems the probationer's conduct warrants such action. In such a case, the commanding officer of the accused should be directed to make full report to the Navy Department (Judge Advocate General) of the reasons therefor. Probationary periods can not extend beyond the current enlistment of the man concerned. If a man serves his probationary period as specified above, the remission of the sentence becomes unconditional without further action.

EFFECT OF DISAPPROVAL OF SENTENCE

N.C.B. §478

The disapproval of the sentence of a court-martial by the reviewing authority is not a mere expression of disapprobation, but has the legal effect of entirely nullifying it. In case of disapproval, the accused must be immediately released from arrest. A reviewing authority can not disapprove a sentence and then proceed to mitigate it, or place the accused on probation, or carry it into effect in any way, for, after disapproval, there is nothing left to mitigate or carry into effect.

THE FINAL REVIEWING AUTHORITY

The Secretary of the Navy is the final reviewing authority in all cases, general or summary courts-martial or deck courts, except where the sentence extends to death or dismissal of a commissioned or warrant officer. The Judge Advocate General, as the legal officer of the Navy Department, actually reviews the cases and prepares the action for the Secretary of the Navy. When the cases are finally closed they are filed in the Office of the Judge Advocate General.

SEC. 10. SUMMARY COURT-MARTIAL PROCEDURE

HINTS FOR RECORDERS OF SUMMARY COURTS-MARTIAL

N.C.B. Ch. VII

In this section there will be set forth a typical summary court-martial case, showing each entry and paper in the order in which they

should appear in the completed record. Reference should be made to Naval Courts and Boards, chapter V, which gives detailed instructions for making up the record of proceedings and *idem,* chapter VII, which sets forth the procedure to be followed in the trial.

The recorder of a summary court-martial is usually an ensign. In large ships the recorders are changed at intervals in order that all young officers may gain experience in that duty. It behooves the young officers, therefore, to gain speedy and thorough familiarity with the contents of Naval Courts and Boards. By examining the index in Naval Courts and Boards specific points may be located without the necessity of making a page by page search through the book.

The recorder should familiarize himself with at least the last five years' issues of court-martial orders.

When the precept for the court and the specification for the trial of a particular man have been handed to the recorder, he should promptly examine them for possible errors.

He should next send for the accused in order to deliver to him a copy of the specification on which he will be tried. When the accused reports he should say to him something like this: "Harry Sams, I have sent for you in order to deliver to you a copy of the specifications upon which you are to be tried." The recorder will then read the specifications to the accused and hand him a copy with the date and hour of delivery written on it, also, the accused should sign a receipt to the recorder for the specifications.

The recorder will then explain to the accused that he will have an opportunity to plead guilty or not guilty before the court, and that he may have counsel to assist him in preparing and presenting his defense. If in discussing the case with the accused it develops that he might have any good defense whatever, or the accused believes he has, discussion of the merits of the case should be terminated at once and the accused advised to secure counsel. Any advice to plead guilty should be scrupulously avoided. Whenever the accused has secured counsel all negotiations by the recorder must be conducted through counsel. If the accused does not have counsel the recorder should carefully explain to the accused that he may besides introducing witnesses in his behalf, either (1) take the stand and testify under oath, or (2) make a statement not under oath. (See par. C-242.)

The recorder should consult with the senior member concerning the place of meeting of the court and the exact hour of meeting. He should then so inform the other members of the court and the parties to the trial. Some few minutes prior to convening, the recorder should have the following persons and materials ready at the place of trial:

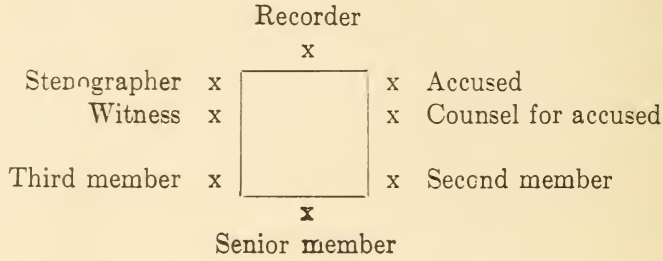
(a) Outside the court room—

An orderly.
The accused.
The witnesses.
The reporter or stenographer.

(b) Inside the court room—

Precept or copy thereof.
Original and several copies of the specifications.
Scratch paper and pencils.
The service record of the accused.
A Bible.
A memorandum from the disbursing officer showing the rate of pay of the accused in his present and in his next inferior rating.
One or more copies of Naval Courts and Boards and Naval Digests.

The diagram below shows a suitable arrangement of table and chairs for the conduct of the trial:



When the court is ready to meet there should be no one in the court room except the members of the court and the recorder. The formality of opening the court consists merely in the announcement by the senior member that, "The court is opened." The accused, orderly, and reporter enter. The accused is then asked if he desires counsel and if he does and has counsel, the accused's counsel enters. From this point on the procedure is as given in paragraphs C-262 and following.

To avoid some of the common errors made in summary courts-martial the recorder should consult Court-Martial Order 2-1939, page 292, which lists these common errors and which may be used as a guide in preparing the record of proceedings for submission to the convening authority.

RECORD OF PROCEEDINGS

N.J.A. 109. of a

SUMMARY COURT-MARTIAL

SUMMARY COURT-MARTIAL
SAMS, Harry .....
Fireman third class .....
U.S.S. *Rowe* .....
San Pedro, California .....
August 20, 1938 .....

CV2/A17-21

U.S.S. *Rowe.*
San Pedro, Calif.,
July 18, 1938.

From: Commanding Officer.
To: Lieutenant Timothy J. Riley, U.S. Navy.
Subject: Convening summary court-martial.

1. A summary court-martial is hereby ordered to convene on board this vessel on Monday, July 25, 1938, or as soon thereafter as practicable, for the trial of such persons as may be legally brought before it

2. The court will be constituted as follows:
Lieutenant Timothy J. Riley, U.S. Navy, senior member; Lieutenant (junior grade) George Knight, U.S. Navy; and Ensign Malcolm K. Dole, U.S. Navy, members; and Ensign Peter M. Kane, U.S. Navy, recorder.

ROBERT S. KEEN,
Lieutenant Commander, U.S. Navy
Commanding, U.S.S. *Rowe.*

A true copy: Attest:

Frank Horn
FRANK HORN,
Ensign, U.S. Navy,
Recorder.

"A"

U.S.S. *Rowe*
San Pedro, Calif.,
August 19, 1938.

From: Commanding Officer.
To: Lieutenant Timothy J. Riley, U.S. Navy.
Subject: Appointment of Ensign Frank Horn, U.S. Navy, as recorder of court in place of Ensign Peter M. Kane, U.S. Navy, hereby relieved.

1. Ensign Frank Horn, U.S. Navy, is hereby appointed recorder of the summary court-martial of which you are senior member, convened by my precept of July 18, 1938, vice Ensign Peter M. Kane, U.S. Navy, hereby relieved.

Robert S. Keen
ROBERT S. KEEN,
Lieutenant Commander, U.S. Navy.
Commanding, U.S.S. *Rowe.*

"B"

Specification of an offense preferred against Harry Sams, fireman third class, United States Navy.

Specification: In that Harry Sams, fireman third class, U.S. Navy, attached to the U.S.S. *Rowe,* while so serving on board the U.S.S. *Rowe,* was, on or about August 2, 1938, on a public street in the city of Long Beach, California, under the influence of intoxicating liquor, and thereby incapacitated for the proper performance of duty.

Approved: August 7, 1938.

To be tried before the summary court-martial of which Lieutenant Timothy J. Riley, U.S. Navy is senior member.

Robert S. Keen

ROBERT S. KEEN,
Lieutenant Commander, U.S. Navy,
Commanding, U.S.S. *Rowe.*

"C"

U.S.S. *Rowe.*
San Pedro, Calif.,
Friday, August 20, 1938.

The court met at 12.58 P.M.
Present:
Lieutenant Timothy J. Riley, U.S. Navy;
Lieutenant (junior grade) George Knight, U.S. Navy;
Ensign Malcolm K. Dole, U.S. Navy, members; and
Ensign Frank Horn, U.S. Navy, recorder.

Raymond Fitch, water tender, second class, U.S. Navy, entered with the accused and reported as orderly.

The recorder introduced John Jones, yeoman first class, U.S. Navy, as reporter.

The accused requested that Lieutenant Albert C. Shank, U.S. Navy, act as his counsel. Lieutenant Shank took seat as such.

The recorder read a copy of the precept, hereto prefixed marked "A," original prefixed to the record in the case of Sam C. Peters, seaman second class, U.S. Navy, and modification thereof, original hereto prefixed marked "B."

The accused stated that he did not object to any member.

Each member, the recorder, and the reporter were duly sworn.

The accused stated that he had received a copy of the specification preferred against him on August 8, 1938.

The recorder asked the accused if he had any objection to make to the specification.

The accused replied in the negative.

The court was cleared. The court was opened and all parties to the trial entered.

The court announced that it found the specification in due form and technically correct.

The accused stated that he was ready for trial.

No witnesses not otherwise connected with the trial were present.

The recorder read the specification, original prefixed marked "C," and arraigned the accused as follows:

Q. Harry Sams, fireman third class, U.S. Navy, you have heard the specification preferred against you; how say you to the specification, guilty or not guilty?

A. Not guilty.

The prosecution began.

A witness for the prosecution entered and was duly sworn.

Examined by the recorder.

1. Q. State your name, residence, and occupation.
   A. Charles Waters, police officer in the city of Signal Hill, California.
2. Q. If you recognize the accused, state as whom.
   A. As Mr. Harry Sams.
3. Q. Were you employed as a police officer on or about the night of August 2, 1938?
   A. I was.
4. Q. How long have you been employed as a police officer?
   A. A fraction over five years.
5. Q. Have you ever arrested a person for being under the influence of intoxicating liquor?
   A. I have.
6. Q. Approximately how many cases of intoxication have you arrested?
   A. Possibly one hundred and seventy-five.
7. Q. Are you capable of recognizing the symptoms of intoxication?
   A. I am.
8. Q. Are you capable of knowing whether or not a man is incapacitated for duty?
   A. I am.

   This question was objected to by the accused.

   The recorder did not reply.

   The court announced that the objection was sustained.
9. Q. The accused is charged with certain irregularities on or about August 2, 1938. State what you know about them.
   A. I found a Stutz roadster on Cherry Avenue, just south of Twentieth Street. This car, from all indications, had been traveling north on Cherry Avenue and had jumped the west curb and run about a car length up a guy wire leading from a telegraph pole and was balanced on this guy wire. When I opened the door of the car, Mr. Sams was asleep in the seat. I called Mr. Sams and he immediately tried to start the car. I informed him of the predicament of the car for fear of turning the car over. I then took Mr. Sams by the arm and helped him down out of the car to the police car. He was then taken by me to the Signal Hill Police Department.
10. Q. What was the general appearance of the accused?
    A. The accused was dressed in naval uniform; the uniform had vomit upon it; the accused was bareheaded.
11. Q. What did the accused do when you awakened him from his slumber?
    A. He tried to start the car at that time.

12. Q. Did you examine the accused?
    A. I did.
13. Q. What was the appearance of the eyes of the accused?
    A. They were bloodshot and watery.
14. Q. What was the appearance of the face of the accused?
    A. His face was flushed.
15. Q. Did you give the accused a Romberg's Test or any balance test?
    A. The accused swayed. His balance was very unsteady.
16. Q. Was the accused able to walk without attracting any undue attention?
    A. He staggered considerably.
17. Q. Describe the manner in which the accused spoke.
    A. His speech was thick. His orientation was poor. The accused did not know the time or date, or the town that he was in. He remembered his car stopping but didn't know why the car stopped.
18. Q. Did you notice the odor of the breath of the accused?
    A. I did.
19. Q. What was the odor?
    A. Alcoholic.

    Cross-examined by the accused:

20. Q. Is the City of Signal Hill part of the City of Long Beach?
    A. No, sir.
21. Q. Was this man arrested in the City of Long Beach or the City of Signal Hill?
    A. Signal Hill.

    Examined by the court:

22. Q. What is the dividing line of the City of Long Beach and Signal Hill on Cherry Avenue?
    A. The Pacific Electric tracks just south of Nineteenth Street on Cherry Avenue.
23. Q. You have stated that you examined the accused—what was the purpose of that examination and what did you discover?
    A. The purpose of the examination is to satisfy me, as arresting officer, in my own mind that he was under the influence of intoxicating liquor and form my own opinion and to see that he was booked for intoxication. I discovered he had alcoholic breath. In his talk, his mind seemed to wander. He had difficulty with his speech at times and could not tell me a coherent story as to where he was or where he had been. He staggered considerably; eyes were bloodshot and watery. The accused swayed considerably when he stood up. He was very unsteady. That is the regular routine that takes place for simple intoxication where an automobile is involved, and, where there is personal or property damage, we have a physician make the examination for intoxication.

24. Q. In your previous testimony, you have mentioned the words "Romberg's Test." What is the Romberg's Test?
A. When a man or person being examined, the person examining knows when he sways or his balance is unsteady.
25. Q. A test to determine his steadiness?
A. Yes, sir.

Recross-examined by the accused:

26. Q. What time was this arrest made?
A. 2:30 A.M., August 2, 1938.

Neither the recorder nor the court desired further to examine this witness.

The witness said that he had nothing further to state.

The witness was duly warned and withdrew.

The prosecution rested.

The defense offered no evidence.

The accused did not desire to make a statement and submitted his case to the court.

The recorder made the following opening argument: "The accused is charged as being intoxicated and was put on report by the shore patrol for that offense. The defense brought up the fact that the accused was arrested outside the city limits of Long Beach. What I want to make clear, sir, is that the accused, I believe, was proven guilty of intoxication. I do not say where. It makes no difference if the accused was arrested in Signal Hill or in Long Beach, because the report was made by the shore patrol on the evidence of the police of Signal Hill."

The accused made the following argument: "The defense contends in the first instance that every allegation of the specifications must be proved or the accused found not guilty of the offense charged. The averment that he was drunk in a public street in the City of Long Beach, by testimony has been shown untrue. In the second instance, the defense contends that there has been no evidence that the accused was actually under the influence of intoxicating liquor. Certain tests were made at the time of the arrest. Unless the accused's counsel is greatly at fault, the witness failed to state any conclusions drawn from these tests. The accused had liquor on his breath; had vomit on his jumper; was asleep in his car and swayed. These things might very well have been present by reason of a sudden attack of dizziness or illness. The fact that he had an alcoholic breath in itself is no offense. The defense would remind the court that the criterion is adjudging whether or not he is incapacitated for the duties of his rating. The defense contends that such showing has not been made, this being due to prior indulgence in intoxicating liquor. The defense requests an acquittal."

The recorder desired to make no closing argument.

The trial was finished.

The court was cleared.

The recorder was recalled and directed to record the following finding:

The specification proved in part; proved except the words "Long Beach," which words are not proved, and for which the court substitutes the words "Signal Hill" which words are proved.

The recorder stated that he had no record of previous convictions, that the rate of pay of the accused in his present rating is $30.60 a month and in his next inferior rating $17.85 a month, and that he enlisted on July 7, 1936, to serve four years, and gave as his date of birth January 17, 1912.

The court was cleared.

The recorder was recalled and directed to record the sentence of the court as follows:

The court therefore sentences him, Harry Sams, fireman third class, U.S. Navy, to solitary confinement on bread and water for a period of fifteen (15) days, with a full ration every third (3rd) day, and to lose fifteen dollars and thirty cents ($15.30) per month of his pay for a period of two (2) months, total loss of pay amounting to thirty dollars and sixty cents ($30.60).

Timothy J. Riley
TIMOTHY J. RILEY,
Lieutenant, U.S. Navy,
Senior Member.

George Knight
GEORGE KNIGHT,
Lieutenant (junior grade) U.S. Navy,
Member.

Malcolm K. Dole
MALCOLM K. DOLE,
Ensign, U.S. Navy,
Member.

Frank Horn
FRANK HORN,
Ensign, U.S. Navy,
Recorder.

The court then adjourned to await orders from the convening authority.

Timothy J. Riley
TIMOTHY J. RILEY,
Lieutenant, U.S. Navy,
Senior Member.

Frank Horn
FRANK HORN,
Ensign, U.S. Navy,
Recorder.

U.S.S. *Rowe.*
San Pedro, Calif.,
August 27, 1938.

From an examination of Harry Sams, fireman third class, U. S. Navy, and of the place where he is to be confined, I am of the opinion that the execution of the sentence would not produce serious injury to his health

Ira W. Smith
IRA W. SMITH,
Lieutenant (M.C.), U.S. Navy,
Senior Medical Officer on Board.

U.S.S. *Rowe.*
San Pedro, Calif.,
August 28, 1938.

The service record of Harry Sams, fireman third class, U.S. Navy, shows that he has served in the Navy two years and twenty-one days. During his current enlistment beginning July 7, 1936, he has committed no offense prior to the one for which he was tried in this case.

The proceedings, finding, and sentence in the foregoing case are approved.

Robert S. Keen
ROBERT S. KEEN,
Lieutenant Commander, U.S. Navy,
Commanding, U.S.S. *Rowe.*

A17-21/FF2-3.
(2515)

UNITED STATES FLEET.
AIRCRAFT, BATTLE FORCE.
U.S.S. *SARATOGA,* Flagship.
00-gjm(0)

September 7, 1938.

The proceedings, finding, and sentence in the foregoing case of Harry Sams, fireman third class, U.S. Navy, are approved.

James Larsen
JAMES LARSEN,
Rear Admiral, U.S. Navy
Commander Aircraft, Battle Force,
Immediate Superior in Command.

U.S.S. *Rowe.*
San Pedro, Calif.,
September 10, 1938.

Published.

M. C. Post
M. C. Post,
Lieutenant, U.S. Navy,
Executive Officer.

U.S.S. *Rowe.*
San Pedro, Calif.
September 11, 1938.

Loss of pay adjudged has been entered on the pay accounts of this man and will be checked in accordance with the terms of the sentence as approved.

G. W. Richards
G. W. Richards,
Lieutenant, (SC), U.S. Navy,
Disbursing Officer.

SEC. 11. DECK COURT PROCEDURE

OFFENSES TRIABLE BY DECK COURT

N.C.B. §693 The jurisdiction of a deck court is expressly limited to "minor offenses."

WHO MAY ACT AS DECK COURT OFFICER

N.C.B. §692 Officers shall not be ordered as deck court officers who are below the rank of lieutenant in the Navy or captain in the Marine Corps, and who have had less than six years' service as a commissioned officer, except that, in cases where there is no officer of such rank or higher rank attached to the vessel or command, the commanding officer (if a commissioned officer) may act as deck court officer. An officer empowered to order deck courts may at his discretion designate himself as deck court officer, irrespective of his rank, if commissioned, and irrespective of the rank of other officers attached to his command.

WHAT THE SPECIFICATION MUST STATE

N.C.B. §693 The specification for a deck court should be brief, but in each specification it is necessary to set forth:

(a) The name and rate of the accused.

(b) The offense and date of commission thereof.
(c) All material facts connected with the offense.

ACCUSED MUST CONSENT TO TRIAL BY DECK COURT BEFORE HE MAY BE SO TRIED

When an enlisted man is brought before the deck court for trial he shall signify his willingness to be so tried by affixing his signature to a statement to that effect in the deck court card. Should he be unwilling to be tried by deck court trial shall be ordered by summary or general court-martial. N.C.B. §696

DECK COURT OFFICER NOT SWORN

The officer constituting the deck court is not sworn as he performs his duties under the sanction of his oath of office. N.C.B. §698

DUTIES OF DECK COURT OFFICER

The duties of a deck court officer are: N.C.B. §698

(a) He conducts the trial.
(b) He summons witnesses.
(c) Administers the oath to the recorder and the witnesses.
(d) Conducts the examination of witnesses.
(e) Records the finding and sentence in his own handwriting and signs the record.
(f) He may not be a witness either for the prosecution or the defense.

GENERAL PROCEDURE

The record of proceedings of the deck court is recorded on a card furnished by the Judge Advocate General (form N.J.A. 166x).

The general provisions and procedure of summary courts-martial shall in general be followed. In taking down testimony adduced before a deck court, however, the facts established by the testimony only need be recorded, and shall be submitted to the convening authority on a separate sheet.

RIGHT OF APPEAL

A person convicted by a deck court may, within thirty days, make an appeal from the conviction to the Secretary of the Navy. Such statement as the accused may wish to make shall be submitted in writing

and appended to the record of testimony, separately therefrom, and forwarded therewith to the Navy Department (Office of the Judge Advocate General). No action by any intermediate authority is required. Except as herein noted the transcript of testimony is not forwarded to the department.

SEC. 12. COURTS OF INQUIRY AND BOARDS OF INVESTIGATION

PURPOSE

N.C.B. §720

Courts of inquiry and boards of investigation are primarily fact finding bodies, and unless specifically directed by the convening authority in the precept to express opinions or to make recommendations, will confine themselves to findings of fact.

The proceedings of these bodies are in no sense a trial of an issue or of an accused person; they perform no real judicial function; they are convened solely for the purpose of informing the convening authority in a preliminary way as to the facts involved in the inquiry, and when so directed, to aid him with opinions and recommendations; their conclusions are merely advisory. The function of these bodies is merely to aid the convening authority in the performance of his administrative duties and not to relieve him of responsibility for his administrative acts.

BY WHOM CONVENED

N.C.B. §721

Courts of inquiry may be convened by the President, the Secretary of the Navy, the commander of a fleet or squadron, and by any officer of the naval service authorized by law to convene general courts-martial.

Boards of investigation may be ordered by any officer empowered to convene a court of inquiry, by the commander of a division or larger force afloat, and by the senior officer present afloat or ashore.

MEMBERSHIP

N.C.B. §728

The composition of a court of inquiry or a board of investigation both in regard to rank of members and the corps to which they belong, shall be regulated by the circumstances to be investigated.

A court of inquiry shall consist of *not more* than three officers as members and of a judge advocate.

A board of investigation shall ordinarily consist of three officers as members. A separate recorder may be appointed. If none is appointed,

the junior member acts as recorder in addition to his functions as member.

An investigation is composed of one officer.

POWERS OF COURTS OF INQUIRY AND BOARDS OF INVESTIGATION

In general, the powers of a court of inquiry are comparable to those of a general court-martial as regards compelling the attendance of civilian witnesses. The proceedings of a court of inquiry may under certain conditions be evidence before courts-martial.

Except as stated above there is no vital difference between a court of inquiry and a board of investigation.

BOARD OF INVESTIGATION AS AN INQUEST

When the board of investigation performs the function of an inquest the procedure detailed in section 782, note 11, Naval Courts and Boards, should be followed. It is to be noted that in such a case, at least one member of the board should be a medical officer. N.C.B. §782, n. 11